

## **AGENDA**

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 11<sup>TH</sup> OF APRIL 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**  
Minutes of March 28, 2016
- 6. DISCUSSION/REVIEW**  
Architectural Design Ordinance
- 7. OPEN COMMENTS/REQUESTS**
- 8. ADJOURNMENT**

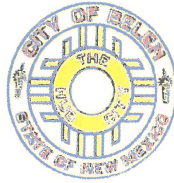
RESPECTFULLY SUBMITTED

/S/  
Lisa R Miller  
Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**JAY RUYBALID**  
CITY MANAGER



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
MAYOR PRO-TEM  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
MARCH 28, 2016**

Chairman Tom Greer called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

**PRESENT:** Chairman Tom Greer  
Vice Chair Steve Ethridge  
Commissioner Claudine Montano  
Commissioner Gordon Reeves

**ABSENT:** Commissioner Debbie Thompson

**CITY STAFF:** Steven Tomita, Economic Development Services  
Lisa R Miller, P & Z Administrator

**PLEDGE OF ALLEGEANCE**  
Lisa Miller led the Pledge.

**APPROVAL OF AGENDA:**  
Commissioner Claudine Montano moved to approve the Agenda.

Commissioner Gordon Reeves seconded the Motion.

Motion Carried.

**APPROVAL OF MINUTES:**  
The Minutes of the Regular Meeting of March 14, 2016 were reviewed.



Commissioner Claudine Montano moved to approve the minutes.

Vice Chair Steve Ethridge seconded the motion.

Motion carried.

### **DISCUSSION/REVIEW**

#### **Architectural Design Ordinance**

Lisa Miller informed the Commission that the first part of the packet was the Design Guidelines Architectural Standards from Casa Grande AZ and the other is from Queen Creek AZ. The guidelines from Casa Grande were written by Steven and used by Queen Creek as their template for their guidelines. Both were provided to give the Commission examples to work off of on their own guidelines. The ones from Casa Grande are very detailed.

Chairman Tom Greer said that he felt that the Casa Grande guidelines were a little too detailed for this community. The Queen Creek one is less restrictive.

Commissioner Claudine Montano said that neither one of them fit this community.

Lisa Miller said that they could take pieces from both and build their own. The Commission had two workshops to review design photos to incorporate them into our ordinance.

Vice-Chair Steve Ethridge said that he felt that this does not really affect current structures and felt that it affects new subdivisions. He is skeptical about restricting existing structures. You just cannot go in and tell someone they have to change their building. He has a problem with passing long wordy documents.

Lisa Miller said that she understands that. You can limit some things in the different areas. All overlay zones need to be included in the design standards.

Chairman Tom Greer said that it should be more spelled out in the commercial areas of town. If there are no guidelines in place people will create their own. We need to have a document in place so that things do not get crazy. It is better to have one now instead of later after the fact.

Commissioner Gordon Reeves suggested that they get design standards from areas around the Belen area.

Ruidoso, Silver City, Clovis, and the Village of Los Lunas were suggested.

Chairman Tom Greer asked what was expected from the Commission.

Lisa Miller informed them that she hoped that would go over the information that she gave them and have an idea as to what they wanted in our document.

Vice Chair Steve Ethridge asked if they could look at the Huning Ranch design standards.

Lisa Miller informed them that it is located in Los Lunas and had to go by the Los Lunas standards when it was submitted to the Village for approval.





Chairman Tom Greer said that those planned developments have their own restrictions. Not all of them are the same. They may be similar but not the same. Rancho Valencia has very strict regulations.

Lisa Miller said that she is not speaking of subdivision specifically. The City needs to have a Architectural Design Ordinance for the whole City.

Chairman Tom Greer said that the streetscape here needs to be worked on.

Vice Chair Steve Ethridge said that Main St is what it is and we can try to improve that but we are not going to be able to make people change their buildings.

Chairman Tom Greer said minor improvements like landscaping, facades, different color paint, and even signs can be used to improve that area.

Commissioner Claudine Montano said that there are so many vacant buildings along Main St.

Chairman Tom Greer said that he had recently gone through T Or C and was surprised at the changes that have been made. They had a lot of vacant buildings and now there isn't one. The buildings have been painted, plants were added, signage was changed and it looks real nice now.

Commissioner Claudine Montano asked what we could do to make those kind of changes here, considering who we are dealing with. Our Main St is pitiful.

Lisa Miller said that we do have some restrictions in that are in our Main Street Overlay zone, but we need to be more specific and not so general. She informed the Commission that all of the vacant buildings along Main St have been notified that they need to register the structure and submit a maintenance plan.

Commissioner Gordon Reeves said that we need to get this Architectural Design Ordinance in place so that we can enforce it. We can ask them to do anything without having it in place.

Lisa Miller said that some of the vacant structures are being maintained but they still need to register them.

Chairman Tom Greer said it is not just getting building owners to understand that creating an ascetically pleasing facade is meaningful not only to the City but to the owner on the value of their building.

Chairman Tom Greer said that he is in no rush with this Ordinance but he would rather stay on the boundaries and getting new businesses in town.

Vice Chair Steve Ethridge suggested that some of the boarded up windows can be painted like the ones on Becker Ave. Some of the local art people might like to do this. We need to think positive and try to help these owners and not just put them down for the empty structures. Thinking positive gets positive results. Thinking negative gets negative results. We need to help these owners.



Lisa will get the information from the other Cities for the next meeting.

**OPEN COMMENTS/REQUESTS**

Commissioner Gordon Reeves asked for an update on the one way street on Castillo.

Lisa Miller said that we had to get it okayed with DOT first. It will then be painted and implemented. There is a process that needs to be followed.

Commissioner Gordon Reeves asked about the alley by Rutilio's.

Lisa Miller said that Mr. Luna has been out of town and his daughter has power of attorney for this and was to contact me. That has not happened yet.

Chairman Tom Greer asked about the airport area that they were working on and never got completed.

Lisa Miller said that she has not gotten the maps they requested yet but she has mailed out the disclosure statements to the owners inside the City limits. She will be bringing back the Zoning Ordinance with all the corrections and changes, they requested, to go before the Council for final approval. She also informed them of the workshop being given by MRCOG. There will also be a NMLZO Conference in Las Cruces in May. The information for that will be mailed to them.

Chairman Tom Greer informed the Commission that his Brewery should be opening by the end of June if the refurbishing of the building.

**ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Commissioner Claudine Montano seconded the motion

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:25 pm.

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Chairman Tom Greer

ATTEST:

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Lisa Miller, Planning & Zoning Administrator



## DIVISION 4. - DEVELOPMENT STANDARDS

## Sec. 54-131. - Purpose of division.

The purpose of this division is to establish general development performance standards. These standards are intended and designed to ensure compatibility of uses, to prevent blight, to enhance the health, safety and general welfare of the residents of the community, and to preserve the natural environmental character of the village.

(Code 1985, § 10-5-1; Ord. No. 98-02, § 1, 2-10-98)

## Sec. 54-132. - Residential terrain management.

(a) *Purpose; intent.* The purpose of this division is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the terrain management stands in this section to:

- (1) Preserve hillside features within the village in their natural state.
- (2) Encourage the planning, design and development of building sites in such a fashion as to provide the maximum safety and enjoyment, while adapting to, and taking advantage of, the best use of the natural terrain.
- (3) Encourage the maximum protection and retention of natural features such as drainage swales, streams, slopes, ridge lines, rock outcrops, scenic views and trees.
- (4) Minimize the need to pad or terrace building sites on hillsides.
- (5) Minimize the scarring of hillside areas.
- (6) Encourage restoration of disturbed areas to their natural state.

It shall not be the intent or purpose of this section to preclude development, but to ensure that development enhances rather than detracts from, or ignores, the natural topography, resources and amenities of the hillsides.

(b) *Applicability.* Development proposed or located on any residential site with average slopes in excess of 20 percent within the village shall be subject to the regulations and requirements of subsections (c) and (d) of this section. The following formula may be used to determine the average slope:

$$S = 0.0023 \text{ IcLc} / A$$

Where:

S	=	Average percent of slope of the site.
Ic	=	Contour interval.
Lc	=	Total length of the contour lines within the site.
A	=	Area in acres of the site.

For subdivided lots of less than one half acre, average slope may be expressed as the ratio of rise or fall to a distance in percent (i.e., a one percent slope rises (or fails) one foot in 100 feet).

- (c) *Information required.* For proposed developments meeting the conditions of subsection (b) of this section, the following information shall be submitted. This information shall be in addition to any information required elsewhere in this Code.
- (1) A proposed grading plan including the following:
    - a. The proposed drainage plan shall address roof and driveway surfaces, final ground cover and erosion control.
    - b. Detailed plans of all drainage devices, walls, cribbing, dams or other protective devices to be constructed in connection with, or as part of, the proposed work.
    - c. The location of easements for drainage.
  - (2) A map showing:
    - a. Accurate contours at five foot intervals showing existing and proposed topography of the site and of the land within 100 feet of the site.
    - b. The location of observed drainage courses, springs, swampy areas and areas subject to flooding, landslides and mud flows.
  - (3) Additional information, as determined by the planning commission, which is deemed necessary to guarantee compliance with the purpose of this section.
- (d) *Development approval.* Approval for any development in areas meeting the guidelines established in subsection (a) of this section shall be granted in accordance with the development approval procedure set forth in subsection (b) of this section upon a finding that the grading and development plan is designed to meet such guidelines and the following standards:
- (1) Fill and excavation areas shall meet the following standards:
    - a. No organic material may be used.
    - b. Compaction shall be a minimum of 90 percent of maximum.
    - c. Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved.
  - (2) The maximum percent of the site to be disturbed (area under building footprint, parking and driveway areas) shall be as follows:

Percent Average Slope	Disturbed Area Allowed
0—20	75
21—35	65
36+	55

Lots substandard as to lot size as defined under subsection 54-143(j)(1) may be allowed up to an additional ten percent of disturbed area. Applications for disturbed area increase will be considered under minor amendment procedures set forth under subsection 54-67(g). Disturbed area increase shall be the minimum necessary to allow reasonable development of the property. Disturbed area increase above ten percent shall require variance consideration by the planning commission.

(Code 1985, § 10-5-2; Ord. No. 98-02, § 1, 2-10-98; Ord. No. 2000-01, 3-14-00)

Sec. 54-132.1. - Commercial terrain management.

(a) The provisions of this section shall apply to all commercial development.

(b) Fill and excavation areas shall meet the following standards:

- (1) No organic material may be used.
- (2) Compaction shall be a minimum of 90 percent of maximum.
- (3) Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved. Provided, any slope with a steepness of 2 to 1 or greater shall have erosion control satisfactory to the commission.

(c) Retention ponds or other suitable methods satisfactory to the planning commission shall be utilized to control drainage and erosion during construction.

(Ord. No. 2000-01, 3-14-00)

Sec. 54-133. - Forest management.

(a) *Purpose; intent.* The purpose of this section is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the forest protection standards to:

- (1) Provide for the sound management, protection and maintenance of trees and woodland located in the village in order to prevent unhealthy overgrowth, prevent excessive removal of vegetation, minimize damage from erosion and siltation, maintain or enhance appropriate wildlife habitat, reduce fire danger and ultimately preserve the economic viability of the village, which is dependent upon the proper management of the natural resources in the area and is in the interest of the health, safety and general welfare of the residents of the village.
- (2) Manage and protect the forest areas of the village to restore their health, preserve and protect old and large trees, and facilitate an added value concept to enhance aesthetics and property values.
  - a. Old or large trees shall be defined as any specie of live tree 20 inches or greater in diameter measured 4.5 feet from the ground (DBH).
  - b. The planned removal of old or large trees must be reviewed and a permit issued by the director of forestry prior to removal.
  - c. Old or large trees shall be subject to the provisions of subsection (c)(4) herein, relating to protected root zone.

(b) *Administration.* The director of forestry or his duly authorized representative shall have responsibility for administration of this section.

(c) *Fuels management approval.*

- (1)



Residential fuels management. On all properties zoned R-1 (single family residential), R-2 (two-family residential) and M-1 (low density mobile home), fuels management shall be in accordance with the provisions of section 42-80. No permit is required when all of the following conditions are met: 1) the proposed tree manipulation will not reduce the basal area of the remaining trees on the property owner's land below 40 square feet per acre; 2) no old or large trees are proposed for removal; and 3) no individual openings outside of Zone 1 as specified in section 42-80 are greater than 25 percent of the total acreage.

- (2) Multi-family residential and non-residential fuels management: All fuels management on all properties zoned other than R-1, R-2 or M-1 shall be submitted to the director of forestry for approval prior to implementation. The director may require site plan approval, and shall utilize the provisions of section 42-80 as minimum standards. Unless otherwise approved by the director of forestry, clear cutting of any undeveloped portion of a property is not allowed, and the basal area within landscaped portions of a developed property shall not be reduced below 40 square feet per acre.
- (3) Reserved.
- (4) *Protected root zone*. Remaining trees shall be protected above and below ground from damage caused by construction and site development activities as provided herein:
  - a. The protected root zone shall be defined as a horizontal radius distance from the trunk of the tree. The distance varies by tree size, subject to the following minimums:

Tree height in feet	Horizontal radius in feet
Less than 10	4
10—20	6
21—30	<u>8</u>
<u>31</u> —40	<u>12</u>
41—50	16
<u>51</u> —60	20
Greater than 60	24

- b. No trenching, cut or fill activities, compaction or other ground disturbing activities may intrude closer than 50 percent of the horizontal radius.
- c. Paving and other non-pervious surfacing may not reduce the protected root zone more than 30 percent of the horizontal radius.
- d.

Temporary fencing or equivalent protective measures shall be installed around all trees to be considered for minimum basal area requirements within 30 feet of ground disturbance. The temporary fencing shall be installed at the outer limit of the protected root zone. This protection shall remain in place until all construction and site development activities are complete or removal is approved by the director of forestry.

(5) *Standards for tree removal activities:*

- a. All chainsaws weed eaters and like equipment with two-cycle motors used in the removal of trees, slash and debris shall be equipped with spark arresters.
- b. It is the responsibility of the property owner to provide for the disposal of wood created by fuel management thinning in a legal and appropriate manner. Failure to provide for disposal will subject the owner to the nuisance provisions of this Code.
- c. Reserved.
- d. Individuals or contractors removing trees will be fully responsible for any damage to public and private property or utilities.

(6) *Utility easements.*

- a. *Rights and duties of utility franchisees.* To provide for the general safety of the public, the utility franchisees of the village shall have the right and responsibility to maintain unobstructed utility easements or to cut, trim, thin, and control the growth of trees and shrubbery, within, near, or above the public right-of-way and private utility easements in the village that may interfere with, threaten or endanger the operation of the franchisee's overhead lines.
- b. *Rights and duties of property owners.*
  1. The property owner is primarily responsible for maintaining the low vegetation and other flammable matter in the private easements and rights-of-way in such a manner that the low vegetation and other flammable matter will not be a potential fire hazard.  
A property owner who refuses access to the utility easement by a utility franchisee shall be solely responsible for the cost to provide for an unobstructed utility easement.

- (3) *Property owners responsibilities.* Every property owner within the village limits shall maintain their property in accordance with section 42-80 of this Code. If a property owner places green waste on the public right-of-way for grapple pick-up, the property owner shall separate the green waste into two categories: 1) six inches or greater in diameter; or 2) less than six inches in diameter. Any green waste that the property owner places on the public right-of-way for grapple pick-up shall be no greater than six feet in length. Any green wood on the property shall be kept in accordance with section 42-80 of this Code and shall be covered with six ml (minimum thickness) clear/translucent plastic for a minimum of ten months to minimize bark beetle habitat and infestation.

(Code 1985, § 10-5-3; Ord. No. 96-10, § II, 7-30-96; Ord. No. 99-19, § 1, 10-26-99; Ord. No. 2002-07, 6-25-02; Ord. No. 2004-05, 5-11-04; Ord. No. 2013-06, 7-9-13)

Sec. 54-134. - Screening.

- (a) *Multi-density and medium-density mobile home developments.* All R-3, R-4 and M-2 district principal and accessory uses, except signs, which are situated on a parcel which abuts a residential district other than R-3, R-4 or M-2, respectively, shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the adjacent property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the village if

there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed. This subsection shall not apply when the apartment development is adjacent to an already-existing nonresidential use (i.e., a school or church) in a residential district. Such exception to the screening requirement shall only be allowed along that property line between the apartment development and the nonresidential land use.

- (b) *Business and industrial developments.* All principal and accessory uses, except signs, which are situated on a parcel which abuts a residential district shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the residential property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the village if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

(Code 1985, § 10-5-4)

Sec. 54-135. - Landscaping.

- (a) *Purpose.* Landscaping requirements as set forth in this article have been established to encourage quality development within the village; to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide open space and recreational areas to serve the needs of the residents of the village; to soften the effect of development; to improve erosion and stormwater runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the village and its residents on the part of the developers; and to provide for the health, safety and general welfare of the residents of the village.
- (b) *Definition.* Landscaping, for purposes of this article, shall be defined as including any or all of the following:
- (1) Naturally existing vegetation;
  - (2) Lawn or grass areas;
  - (3) Trees, shrubs, ground cover and other plantings;
  - (4) Sprinkler or irrigation systems;
  - (5) Decorative rock, natural or manmade;
  - (6) Decorative lighting;
  - (7) Benches, tables, fountains, planters or other similar outdoor furniture;
  - (8) Decorative fences, and detention and retention ponds;

(9) Waterfalls and manmade streams; and

(10) Berms or mounds.

(c) *Landscaping plan.*

(1) A landscaping plan shall be submitted in conjunction with any required site plan, and shall be reviewed and approved, denied or modified in conjunction with the site plan. All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, parking lots, sidewalks, patios or other such uses shall be landscaped.

(2) When possible, areas of any particular site allocated to landscaping shall be located on that site in such a way as to provide substantial benefit to the general public as well as to the site itself.

(3) Landscaping shall also be provided within parking lots in a manner which will serve to visually reduce the expanse of paved areas consistent with subsection 54-141(b)(1)c. and d.

(d) *Minimum landscaping.*

(1) *Single family residential*

a. All areas not used for buildings, parking, drives or other impervious materials, or for storage of materials, or left in a natural and undisturbed state, shall be landscaped according to an approved landscape plan.

b. For townhouses, landscaping shall be required only in the front yards, side yards and unpaved rights-of-way.

(2) *Multifamily, commercial and industrial developments.* All areas in front and corner side yards not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan based on the standards of subsections (3) and (4) below.

(3) *Planting of trees.*

a. Perimeter landscaping: Each commercial or industrial application shall provide for one tree and ten shrubs for every 1,500 square feet of lot area or a portion thereof not utilized for structures or vehicular use areas to be located within the perimeter of the site and around structures. This requirement shall be in addition to landscaping required by subsection b. below. Trees being retained on site to meet the standards of sections 54-133 and 42-80, may be credited towards meeting minimum tree numbers of this section.

b. Replacement trees required to be installed to meet the basal area standards of sections 54-133 and 42-80, shall be of the species listed in the "Village Approved Replacement Tree List".

c. Parking lot landscaping: Trees shall be provided for all parking lot areas. A minimum of one tree shall be provided for each ten parking spaces. Trees shall be distributed throughout the lot to maximize shading and eliminate large expanses of unbroken paved parking areas. Not less than six percent of the interior of a parking lot shall be landscaped with trees, shrubs or other durable landscaping materials consistent with the requirements of subsection 54-141(b)(1) addressing terminal and landscape islands.

d. Trees wells to be constructed to protect existing trees on site shall be built so that the outer edge of the well is no closer to the trunk than the drip line of the tree as determined by the village forester. A minimum size tree well of four feet in radius shall be required for all new tree plantings. The tree well shall constructed according to standards set by the village forestry department, and will also incorporate appropriately amended soils to encourage proper growth. Paving shall not be maintained closer than four feet to existing established or newly installed trees.

- e. Trees to be installed pursuant to this chapter shall be a minimum size of two inches in diameter as measured at 4½ feet above ground.
  - f. The primary means of irrigating all required landscaping for shall be thru the use of a drip irrigation system.
  - g. The use of cisterns to collect rain water shall be incorporated into all new site development applications, but excluding single-family residential units. While cisterns are not required for single family residential units, the use of these features will be for encouraged.
  - h. Landscape plans shall be based on a modified xeriscape concept consistent with the village's "xeriscape standards". This shall mean that landscape plans shall incorporate drought-tolerant plant species and the use of drip-irrigation systems.
- (4) *Peripheral landscaping for parking lots.* Peripheral landscaping shall be required along any side of all parking lots. A landscaping strip consistent with the provisions of the property's zoning district shall be provided between the parking area and adjoining property. Where a commercial parking area adjoins a residential district, a wall, or other permanent landscaping barrier shall be installed. The height of such landscaping barrier shall be not less than six feet.
- (e) *Installation or financial guarantee required prior to issuance of occupancy permit; maintenance guarantee.*
- (1) All landscaping materials and equipment as provided for on the approved landscape plan for any residential, business or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of 150 percent of the cost of the materials and labor is submitted to the village. Financial guarantees shall be of the types and forms provided in section 54-286.
  - (2) Upon completion of the landscaping requirements as provided on the approved landscape plan, the financial guarantee shall be released except for a portion in the amount of 20 percent of the cost of materials and installation, which shall be retained for a warranty period of one year as a guarantee for proper installation and maintenance. Following the warranty period, the remaining 20 percent guarantee shall be released upon a finding that installation and maintenance has occurred as per the approved landscape plan.
- (f) *Maintenance standards; prohibited uses.* All landscaped areas shall be kept neat, clean, uncluttered, and consistent with the approved landscape plan in terms of landscape materials for the life of the approved development order. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- (g) *Protection of existing trees during construction.* During the installation and site work, all activities shall remain consistent with the provisions of section 54-133.
- (h) *Inspection fee.* A landscaping inspection fee as set forth in Appendix A to this Code shall be assessed and paid with the building permit fee. The landscaping inspection fee shall cover the cost of inspection after completion of installation of the landscaping and a follow-up inspection at the end of the warranty period. An additional fee shall be charged if more than one re-inspection is required either during initial installation or at the end of the warranty period.
- (i) *Maintenance of detention/retention facilities.* On-site private detention/retention facilities, including ponds, cisterns, rain barrels and related pumps and piping, that were installed as mandated by a condition of approval, final plat requirement, approved site plan, approved construction plans, development order or development agreement shall be maintained by the property owner to insure

that they function as designed. The property owner shall, at least annually, remove any accumulated dirt and debris from detention/retention facilities, clean piping of obstructions and service mechanical equipment per manufacturer's instructions.

- (j) *Inspection of detention/retention facilities.* Once every two years or after any officially recognized flood event the village may inspect the private detention/retention facilities to insure that they are in working order and provide the capacity for detention/retention as originally designed. The village shall charge a fee for the inspection as set forth in appendix A to this Code.
- (k) *Failure to maintain detention/retention facilities.* If, at any time, there is evidence of failure to maintain the private detention/retention facilities, the code enforcement officer or planning administrator shall notify the property owner in writing. The notification shall set a time limit not to exceed 90 days for bringing the facilities into compliance. Should the property owner fail to comply with the ordered repairs, the village may make the needed repairs and lien the property.
- (l) *Detention/retention facility security.* The planning commission shall require that any detention/retention facility located on private property be secured with appropriate barriers or alternate safety measures.

(Code 1985, § 10-5-5; Ord. No. 2006-09, 10-31-06; Ord. No. 2007-04, 4-24-07; Ord. No. 2007-09, 9-11-07; Ord. No. 2009-02, 1-13-09)

Sec. 54-136. - Use of certain areas and structures as dwelling unit prohibited.

No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes, provided it is properly dampproof and has suitable fire protection and exits.

(Code 1985, § 10-5-6)

Sec. 54-137. - Accessory buildings, uses and equipment.

- (a) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- (b) Accessory buildings and garages in residential districts shall not be located within a utility easement.
- (c) No accessory building or garage for single-family homes shall occupy more than 25 percent of a rear yard or exceed 900 square feet of floor area. Garages which exceed this maximum may be allowed a conditional use permit.
- (d) No permit shall be issued for the construction of more than one accessory detached private garage structure for each dwelling.
- (e) No accessory building or temporary use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by conditional use permit.
- (f) Accessory buildings in the C-1, C-2, C-3 and I-1 districts may be located any place to the rear of the principal building.
- (g) No accessory building in a commercial or industrial district shall exceed the height of the principal building except by conditional use permit.

(Code 1985, § 10-5-7)

Sec. 54-138. - Fences.

- (a) *Building permit; site development approval.* No person, except on a farm and as related to farming, shall hereafter construct or cause to be constructed or erected within the village, in any residential district, any fence without first making an application for and securing a building permit. Site development approval and building permits shall be obtained for all fences in C-1, C-2, C-3, C-4 and I-1 districts.
- (b) *Location.* All fences shall be located entirely upon the private property of the person constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties.
- (c) *Construction and maintenance; restricted materials; nonconformities; height.*
- (1) *Construction and maintenance.* All fences shall be constructed in a substantial, workmanlike manner of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage or unsightliness, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect, is a public nuisance, and the planning administrator shall commence proper proceedings for the abatement thereof.
  - (2) *Restricted materials.* Site development approval is required by the planning commission for all installations of barbed wire and/or razor wire. Use shall be restricted to properties where necessity has been shown that security is required to protect hazardous processing, products, equipment, storage or attractive nuisances or in situations of exceptional need. Barbed wire and razor wire are prohibited fencing materials except under one of the following conditions:
    - a. Public and private utilities may install barbed wire or razor wire at the top of fencing.
    - b. Commercial and industrial development may install barbed or razor wire at the top of fencing.
    - c. Buildings and properties which involve attractive nuisances may install barbed wire at the top of fencing.
  - (3) *Effective date; nonconforming fences.* Any fencing existing on the effective date of the ordinance from which this section is derived, September 24, 1994, which does not comply with the regulations of the district in which it is located, shall be deemed a lawful nonconforming fencing installation. All new or replacement fencing shall fully conform to regulations established in this section.
  - (4) *Measurement of height.* The height of any fence shall be calculated to the uppermost points as follows:
    - a. In required yards abutting a street, the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.
    - b. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.
    - c. On property lines, the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.
- (d) *Residential districts.* In all parts of the village zoned residential, no fence shall be erected or maintained more than eight feet in height, and also:

- (1) Solid fences, walls or hedges which are parallel or approximately parallel to the front property line shall be set back from the front line a minimum of five feet.
  - (2) On corner lots in all districts, no fence or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of the property lines of such lot.
  - (3) In those instances where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be installed, shall remain unobstructed and shall measure a minimum of three feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.
- (e) *Business and industrial fences.* Fences in all commercial and industrial districts shall not exceed 12 feet in height, except that boundary line fences abutting residential districts shall not be greater than eight feet in height.
- (f) *Finished side to face adjoining property.* In all districts, any fence so constructed as to have only one elevation "finished," which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property.
- (Code 1985, § 10-5-8)

Sec. 54-139. - Retaining walls.

- (a) *Site development approval.* No person shall construct or cause to be constructed or erected along any property lines within the setback areas within the village, any retaining wall above four feet in height without first obtaining site development approval from the planning commission, except that all retaining walls within the floodplain area shall be approved in accordance with article IV of this chapter. Site development plans for individual retaining walls on previously developed lots may be approved by the planning administrator subject to concurrence by the chairman and vice-chairman of the planning commission. Following site development plan approval, a building permit shall be obtained from the building official.
- (b) *Location.* All retaining walls shall be located entirely upon the private property of the person constructing or causing the construction of such retaining wall, unless the owner of the adjoining property agrees, in writing, that such retaining wall may be erected on the division line of the respective properties. The planning administrator may require an applicant for a retaining wall permit to establish the boundary lines of his property by a survey thereof, to be made by a registered land surveyor.
- (c) *Construction and maintenance.* All retaining walls shall be constructed in conformance with applicable building codes in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the retaining wall is proposed to be used. All retaining walls shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such retaining wall which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the planning administrator shall commence proceedings for the abatement thereof.
- (d) *Maintenance easement.* In any instance where a retaining wall is constructed within four feet of a rear or interior side lot line, the property owner shall be required to obtain an easement from the adjoining landowner allowing access for construction and maintenance of the retaining wall. Such



easement shall be presented to the planning administrator for inspection prior to issuance of the necessary building permit.

(Code 1985, § 10-5-9)

Sec. 54-140. - Setback and height encroachments, limitations and exceptions.

The following shall be considered as permitted encroachments on setback and height requirements, except as otherwise provided in this article:

- (1) *Permitted encroachments in any yards.* The following are permitted in any yards: posts, off-street open parking spaces, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, flagpoles, ornamental features, open fire escapes, sidewalks and fences, except as otherwise provided in this article; also, yard lights and nameplate signs in residential districts, trees, shrubs, plants, floodlights or other sources of light illumination, and authorized lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- (2) *Permitted encroachments in side and rear yards.* Balconies eight feet above grade may extend into the yards to within five feet of a lot line, provided the balconies do not extend over nonresidential driveways. Detached outdoor picnic shelters, open arbors and trellises may extend to within five feet of a side or rear lot line, except that no such structures shall exceed 500 square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive solar energy systems are permitted encroachments. Storage buildings less than 120 square feet in size may extend to within five feet of the side or rear lot line in any district and do not require site development approval unless more than one such storage building is placed on a lot.
- (3) *Permitted encroachments in rear yards.* The following are permitted in rear yards: laundry drying equipment; patios; covered porches; breezeways and detached outdoor living rooms may extend 20 feet into the rear yard but not closer than ten feet to the rear lot line.
- (4) *Exemptions from height limitations.* Height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public and private utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, parapet walls extending no more than four feet above the limiting height of the building (except as otherwise provided in this article), and solar energy collectors and equipment used for the mounting or operation of such collectors.
- (5) *Exemption from building setback requirements for buildings with party walls.* Subject to regulations contained in the Uniform Building Code and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit.
- (6) *Covered decks, porches and breezeways in front yards.* Covered decks, porches and breezeways in R-1, R-2, M-1 and M-2 districts may extend into the front yard, but not closer than 15 feet to the front property line, provided that they are not enclosed.

(Code 1985, § 10-5-10)

Sec. 54-141. - Off-street parking facilities.

(a) *General provisions.*

- (1) *Calculation of floor area.* The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior area dimensions of the building, structure or use times the number of floors, minus ten percent, except as may be otherwise provided or modified in this article.
- (2) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building, including additions thereto requiring more parking, shall not be permitted until such additional parking spaces as required by this article are furnished. This provision does not apply to buildings with principle permitted uses in C-1, C-2, or C-3 districts that existed prior to August 1, 1999.
- (3) *Use of parking facilities accessory to residential use.* Off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable passenger automobiles and trucks, with no trucks exceeding 5,500 pounds, and recreational vehicles and recreational equipment. Under no circumstances shall required parking facilities accessory to a residential structure be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

(b) \_\_\_\_\_

*Design standards.*

(1) *Stall and aisle dimensions; traffic flow.*

- a. Parking stalls and aisles shall be provided according to the following minimum requirements in all districts:

Parking Angle	Stall Width (feet)	Stall Base (feet)	Stall Depth (feet)	Width of Aisle	
				One-Way Traffic (feet)	Two-Way Traffic (feet)
30°	<u>9</u>	<u>18</u>	18.2	15*	25
45°	<u>9</u>	6.5	19	15*	25
60°	<u>9</u>	10.5	<u>22</u>	20	25
75°	<u>9</u>	9.5	21.5	20	25
90°	<u>9</u>	<u>9</u>	20	20	25
Parallel parking	<u>9</u>	<u>9</u>	<u>22</u>	15*	25

\*Except where needed as a fire lane, in which case a 20-foot minimum is required.

- b. All angle parking, except 90-degree and parallel parking, shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted in designs approved by the planning administrator and village engineer. All parking designs shall have ingress and egress to a public street. There shall be no through traffic access to adjoining properties or private easements, except within designated shopping centers.
- (2) *Parking within structures.* The off-street parking requirements may be furnished by providing spaces so designed within the principal building or a structure attached thereto; however, no building permit shall be used to convert the parking structures into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this article.
- (3) *Circulation; backing onto public street.* Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking areas shall be designed so that there is circulation between parking bays and not upon a public street or alley. Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking area design which requires backing into the public street is prohibited.
- (4) *Preservation of off-site parking.* When required accessory off-street parking facilities are provided elsewhere than on the lot with the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the village and county clerk requiring the owner and his heirs and assigns to maintain the required number of off-street spaces during the existence of the principal use.
- (5) *Driveways required.* All off-street parking spaces shall have access from driveways and not directly from the public street.
- (6) *Distance of access points from street intersections.* No access point (measured to the middle of the driveway) shall be located less than 40 feet in residential districts, 150 feet in commercial districts, or 150 feet in industrial districts, from the intersection of two public street rights-of-way.
- (7) *Length of parallel parking spaces.* Parallel parking spaces shall be a minimum of 22 feet in length.
- (8) *Approval of driveways; sight line triangle.* All drive accesses shall be approved by the planning commission for width and location. A minimum sight line triangle measured 20 feet along the public right-of-way line and ten feet along the edge of the access drive shall be provided on both sides of a driveway access.
- (9) *Distance between driveways.* Driveway access openings on a public street, except for single-family, two-family and townhouse dwellings, shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.
- (10) *Number of driveways.* Each property shall be allowed one drive access for each 100 feet of street frontage. Single-family uses shall be limited to one drive access per property. These conditions shall apply unless otherwise granted approval by the planning commission.
- (11) *Requirements for specific types of development.*
  - a. *Commercial and industrial development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be a minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. The state highway and

transportation department may require a lesser grade for driveways to N.M. Highway 48 and 70. Commercial and industrial development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.

- b. *Multifamily residential development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. Multifamily development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.
  - c. *Single-family and duplex development.* Ingress and egress drives shall be provided and maintained to give a clear sight line for street access. Drainage ditch, driveway profile or surfacing shall be so constructed so that surface water from the driveway or lot will not wash dirt, gravel and debris onto the traveled roadway. Driveways that wash dirt, gravel or debris onto the traveled roadway shall be considered a nuisance under subsection 38-62(a)(12). Driveways on the downhill side of the street shall be constructed to prevent erosion of the driveway or adjoining private property by runoff from the street. Driveways will be inspected by the street department inspector during final inspection of the residence for compliance and be required for a certificate of occupancy. The drainage pipe under the driveway, where required, shall be not less than 18 inches in size. Development subject to approval by the state highway and transportation department shall provide evidence of approval of such department prior to the issuance of a village permit.
  - d. *Variances.* Variances from requirements of subsections (b)(11)a and b of this section shall be requested in connection with the application for site plan approval (see section 54-67). Variances from the requirements of subsection (b)(11)c of this section shall be considered under section 54-67(f) and approved only on favorable finding of the planning administrator with approval by the chairman and vice-chairman of the planning commission. Variance requests not approved under section 54-67(f) will automatically be appealed to the full planning commission.
- (12) *Surfacing.* All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the planning commission for review, and the final drainage plan shall be subject to the written approval of the village engineer.
  - (13) *Striping.* Except for townhouses and single-, two-, three- and four-family dwellings, all parking stalls shall be marked with painted lines not less than four inches wide. Where possible, hairpin striping shall be used.
  - (14) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with this article.

- (15) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to division 5 of this article.
- (16) *Perimeter curb and gutter.* Except for townhouses and single-, two-, three- and four-family dwellings, all open off-street parking areas and driveways shall have a perimeter curb and gutter around the entire parking lot built according to standards provided by the planning administrator.
- (17) *Vehicles not to protrude over property lines.* All of such parking stalls which abut property lines shall be designed and constructed so that parked vehicles will not protrude over property lines.
- (18) *Drainage.* Runoff from new multifamily and commercial development areas after the site is improved shall not exceed the prior runoff from the site when unimproved. On-site delay or interception of additional runoff by vegetation, temporary ponding, percolation pits or other approved methods shall be used to minimize any adverse effect on other properties.
- (c) *Maintenance.* It shall be the joint and separate responsibility of the lessee and owner of the principal use or building to maintain, in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences.
- (d) *Use of parking areas.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, distribution of public relations material, or storage of inoperable vehicles.
- (e) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses:
  - (1) Dwellings:
    - a. Single-family, two-family, townhouse, three-family, four-family and multiple-family dwellings: Two spaces per unit.
  - (2) Motels, motor hotels and hotels: One space per each rental unit, plus one space for each ten units, plus additional spaces as may be required in this section for related uses contained within the principal structure.
  - (3) Churches, theaters and auditoriums: At least one space for each four seats based on the designed capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this article.
  - (4) Sanitariums, convalescent homes, rest homes, nursing homes or day nurseries: Four spaces, plus one space for each three beds for which accommodations are offered, plus one space for each employee on the shift of greatest employment.
  - (5) Elderly (senior citizens) housing: One space per unit.
  - (6) Convenience food restaurants: At least one space for each three seats, or one space for each three occupants based on the design capacity, whichever is greater.
  - (7) Bowling alleys: At least five spaces for each alley, plus additional spaces as may be required in this section for related uses contained within the principal structure.
  - (8) Motor fuel stations: At least four spaces, plus two spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable provisions of this article.

- (9) Retail store and service establishment: At least one off-street parking space for each 250 square feet of floor area for retail or service area, plus one space for each 500 square feet of area devoted to storage, warehousing or processing.
- (10) Furniture and carpet store: One space for each 500 square feet of floor area.
- (11) Manufacturing, fabricating or processing of products or materials: One space for each 350 square feet of floor area, plus one space for each company-owned truck (if not stored inside the principal building).
- (12) Warehousing, storage or handling of bulk goods: That space which is solely used as office shall comply with the office use requirements plus one space per each 1,000 square feet of floor area, plus one space for each employee on the maximum shift and one space for each company-owned truck (if not stored inside the principal building).
- (13) Automobile washing establishments (in addition to required stacking space):
  - a. Automatic drive-through, serviced: A minimum of three spaces, or one space for each employee on the maximum shift, whichever is greater.
  - b. Self-service: A minimum of two spaces per stall.
  - c. Service station carwash: None in addition to that required for the station.
- (14) Private racquetball, handball and tennis courts: Not less than three spaces per each court.
- (15) Offices (except medical and dental offices): One space for each 350 square feet of gross floor area; minimum of four spaces.
- (16) Medical and dental offices: Four spaces for each doctor or dentist, plus one per employee.
- (17) Restaurants and taverns: One space for each three seats, or one space for each three occupants based upon the design capacity, whichever is greater, plus one space for each two employees.
- (18) Schools, public and private:
  - a. Elementary and junior high schools: 1½ spaces for each classroom, library, lecture hall and cafeteria, plus one additional space for each three fixed seats in the auditorium, gymnasium or other place of public assembly or one space for every 21 square feet of area available for public assembly where no fixed seats are provided.
  - b. Senior high schools: 1½ spaces for each classroom or lecture hall, plus one additional space for each five students that the school is designed to accommodate, plus one additional space for each employee or staff member. For theaters, auditoriums, sports arenas, gymnasiums and similar places of public assembly, in addition, there shall be one space for each three fixed seats or one space for every 21 square feet of area available for public assembly where no fixed seats are provided. In no event shall less than ten spaces be provided for any use, regardless of the number of employees.
- (19) Day care facilities: One space for each eight enrollees, and one space for every employee.
- (20) Convention centers, civic/events centers and similar places of assembly: One space for every four fixed seats, or one space for every four persons based upon the design capacity of the building where fixed seats are not provided.
- (21) Drive-in banks: One space for every 300 square feet of building floor area, and storage space for four vehicles at each drive-in window.
- (22) Funeral homes: One space for each four seats in funeral service and state room areas, in addition to one space for each hearse or other commercial vehicle.
- (23) Hospitals: One space for every two beds.

- (24) Automobiles and garages for repair, tire recapping, muffler, battery, brakes and other similar services: Three spaces for each service bay.
  - (25) Drive-in or walk-up food or drink services: One space for each three seats plus one space per employee and storage lanes a minimum of 15 feet wide and 100 feet in length for each drive-up service window. Drive-up only establishments shall provide a minimum of five parking spaces in addition to required employee parking.
  - (26) Laundry and dry cleaning, self-service: One space for every three pieces of rentable equipment.
  - (27) Recreation uses:
    - a. Golf courses, driving ranges, miniature golf or similar recreation:
      - 1. Four spaces per green for golf courses.
      - 2. One space per each two practice tees.
      - 3. Two spaces per green for miniature golf courses.
    - b. Health exercise facilities: One space per 50 square feet of floor area.
    - c. Swimming pools: One space per 140 square feet of pool area.
    - d. Skating rinks (ice or roller rinks): One space per 200 square feet of building area.
    - e. Electronic games: One space per each three games.
    - f. Go-carts, tube boats and similar devices: One space for each three pieces of rental equipment.
  - (28) Cafeterias, nightclubs, taverns, dancehalls and lounges: One space for every 50 square feet of floor area, or one space for every four persons based upon the design capacity, whichever is greater.
  - (29) Boardinghouses, bed and breakfast establishments, and fraternal organizations: Two spaces, plus one space for each sleeping unit or resident member.
  - (30) Art galleries, museums and similar uses: One space for each 250 square feet of floor area.
  - (31) Wholesale establishments: One space for each 500 square feet of floor area.
  - (32) Contractors' yards, material yards and lumberyards: One space for each 350 square feet of floor area, plus one space for each employee working on the premises, plus one space for each company owned truck, vehicle or equipment, plus a minimum of five spaces for visitor parking.
  - (33) Retail sales of vehicles, heavy equipment and other large products: One space for each company vehicle, in addition to one space for each 350 square feet of building floor area, plus one space for each employee.
- (f) *Handicapped parking spaces.*
- (1) For parking areas with five to ten spaces, at least one handicapped space shall be provided. For parking areas with more than ten spaces, one handicapped space per ten spaces shall be provided. Handicapped parking spaces in lots having 15 spaces or more shall be a minimum of 12 feet by 20 feet and shall be permanently marked with signs restricting use to handicapped persons. On-pavement marking or portable signs shall not be used as substitutes for permanent signage.
  - (2) Each parking space for the handicapped shall be designated by its own conspicuously posted upright sign, either freestanding or wall mounted, showing the international disabled symbol of a wheelchair; it may include such wording as "disabled parking" or "handicapped parking." Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four

feet above grade. Signs shall be maintained in good condition. In parking lots serving nonresidential uses, barriers shall protect freestanding signs from being hit by motor vehicles. However, for any such spaces required for dwelling parking, where the premises are required to have ten or fewer off-street parking spaces, no sign need be displayed so long as no person with need of a designated disabled parking space is a resident on the premises.

(g) *Joint use of parking facilities by schools or churches and business establishments.*

(1) *Authorized.* Up to 80 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities of the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, or manufacturing, wholesale and similar uses.

(2) *Conditions.*

- a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
- b. The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- c. A properly drawn legal document, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to form and manner of execution by the village attorney, shall be filed with the village clerk and recorded with the county clerk.

(h) *Off-site parking.*

- (1) Any off-site parking which is used to meet the requirements of this article shall be a conditional use as regulated by this article and shall be subject to the conditions listed in this subsection.
- (2) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this article.
- (3) Reasonable access from off-site parking facilities to the use being served shall be provided.
- (4) The site used for meeting the off-site parking requirements of this article shall be under the same ownership as the principal use being served, or under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the village clerk and county clerk.
- (5) Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.
- (6) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being used.
- (7) Any use which depends upon off-site parking to meet the requirements of this article shall maintain ownership or parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(i) *Joint use of parking by businesses on adjacent property.* When it can be established by the owners that two businesses located on adjacent property operate at different hours, parking requirements may be shared jointly according to the maximum parking requirements of the two properties, provided there is a written agreement ensuring retention for such purposes and stating the hours of operation. The agreement shall be properly executed by the owners of both properties, and approved as to



content and form by the village attorney and planning administrator and filed with the application for site development approval. The planning commission shall determine the extent of allowable joint use parking based on the owners' submission and staff recommendation.

(j) *Variances.*

- (1) The planning commission shall be able to grant variances from the parking requirements of this article on all buildings existing prior to the adoption of the ordinance from which this article is derived. If a preexisting building is to be expanded, then the new portion of the building shall have to meet the parking requirements of this article.
- (2) The planning commission may grant a variance of the parking requirements only where the granting of such variance is not contrary to the public interest and will avoid unnecessary hardship and serve substantial justice while meeting the spirit of this article.

(Code 1985, § 10-5-11; Ord. No. 97-05, 5-27-97; Ord. No. 97-09, § 2, 7-29-97; Ord. No. 98-01, 1-13-98; Ord. No. 99-18, 9-28-99)

**Cross reference—** Traffic and vehicles generally, ch. 82.

Sec. 54-142. - Off-street loading facilities.

(a) *Location.*

- (1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
- (2) Except for loading berths required for apartments, no loading berths shall be located closer than 50 feet to a residential district unless within a structure.
- (3) Loading berths shall not be located within the minimum front yard building setback.
- (4) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:
  - a. Loading berths shall not conflict with pedestrian movement.
  - b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
  - c. Loading berths shall comply with all other requirements of this section.

(b) *Screening.* Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses.

(c) *Size.* Unless otherwise specified in this article, the first loading berth shall be not less than 70 feet in length, and additional berths required shall be not less than 30 feet in length, and all loading berths shall be not less than ten feet in width and 14 feet in height, exclusive of aisle and maneuvering space.

(Code 1985, § 10-5-12)

**Cross reference—** Traffic and vehicles generally, ch. 82.

Sec. 54-143. - Nonconforming uses and structures.

- (a) Any structure or use lawfully existing upon the effective date of this article may be continued at the size and in the manner of operation existing upon such date, except as otherwise specified in this section.
- (b) Nothing in this article shall prevent the placing of a structure into safe condition when the structure is declared unsafe by the building official.

- (c) When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (d) Whenever a lawful nonconforming use of a building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed.
- (e) Whenever a lawful nonconforming use of a building or structure or land is discontinued for a period of 90 days, any future use of the building or structure or land shall be in conformity with the provisions of this article. This does not apply to residential units existing in nonresidential zones.
- (f) Subject to the provisions of section 54-181 et seq., pertaining to signs, as amended from time to time, normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary structural repairs, provided such structural repairs do not enlarge or intensify the nonconforming use unless they meet the provisions of this section.
- (g) If no structural alterations are made, any nonconforming use of land or a building or structure may be changed to another nonconforming use provided that the planning commission makes a finding in the specific case that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The planning commission may require appropriate conditions and safeguards in accordance with the purpose of this article.
- (h) Alterations and additions may be made to a structure or building containing lawful nonconforming residential units when they will improve the liveability thereof, provided they will not increase the number of dwelling units. Nonconforming residential units shall be subject to the appropriate residential setbacks and restrictions.
- (i) A maximum expansion of 25 percent of the ground or floor area of a legally nonconforming use may be permitted one time by the planning commission. The expansion of a nonconforming use shall be approved if and only if, in the circumstances of the particular case and under the conditions imposed, the applicant shows that:
  - (1) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity.
  - (2) The expanded use will not significantly damage surrounding structures or activities.
  - (3) The expanded use is consistent with the spirit of this article, substantial justice, and the general public interest.
  - (4) The owner will experience unnecessary hardship, and in addition will be denied a continued reasonable use of the property, if the expansion is not approved.
  - (5) The expansion does not exceed 25 percent of the floor or ground area in nonconforming uses on the site at the time it became nonconforming.

The planning commission shall hold a public hearing to consider applications for expansion of a nonconforming use in accord with the provisions of section 54-61(f).

- (j) Existing lots.
  - (1) At the time of the enactment of the ordinance from which this article is derived, if an owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the planning commission.

- a. In the R-1, R-2 and M-1 zones, the reductions shall permit only a single-family residence. In M-2 zones, a mobile home shall be less than 18 feet in width.
  - b. In the R-3 zone, the reduction shall permit only a duplex.
  - c. In the R-4 zone, the reduction shall permit only a townhouse cluster or apartment containing no more than four units.
- (2) No lot, even though it may be part of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this article is derived, shall be reduced in size so that lot width or size of yards or lot per area per family or any other requirement of this article is not maintained. This subsection shall not apply when a portion of a lot is acquired for a public purpose.

(Code 1985, § 10-5-13)

Sec. 54-144. - Miscellaneous performance requirements.

(a) *Glare and lighting.*

- (1) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent lightbulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which causes light on a public street, other than lights specifically intended for that purpose, shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights which casts light on residential property shall not exceed four footcandles (meter reading) as measured from the property.
- (2) No light which is flashing, revolving or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

- (b) *Surface water ponding.* Natural impoundment shall be retained as much as possible or, if necessary, enlarged or modified as directed by the village engineer to reduce the off-site runoff.
- (c) *Trash and garbage incinerators; storage of trash or garbage.* No exterior incineration of trash or garbage is permissible. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and roof or enclosed containers within a totally screened area, except for single-family and duplex residential uses.
- (d) *Public street frontage.* Except as otherwise allowed or required by this article, no lot shall contain any building unless such lot abuts, for at least 50 feet, on a public street.
- (e) *Clear sight triangles.*

- (1) An area of unobstructed vision at street intersections, entrances and exits, permitting a vehicle driver to see approaching vehicles to the right or left, shall be maintained. Nothing over 30 inches in height, measured from the street centerline grade, shall be permitted to obstruct a sight line triangle area. The sight line triangle shall be bounded by lines measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of the property lines of such lot. Any existing trees located within the clear sight triangle may be allowed to remain if all branches are trimmed to a height of eight feet.

- (2) No post or column within the designated triangle shall exceed 12 inches in thickness at its greatest cross-sectional dimension.

(Code 1985, § 10-5-14; Ord. No. 2011-11, 6-12-11)

Sec. 54-145. - Noise abatement and emission control.

All uses shall be constructed and operated to ensure that there is no excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the parcel on which the use is located. For purposes of this section, excessive is defined as to a degree exceeding that caused in their customary manner of operation by uses permitted in the I-1 district, to a degree injurious to the public health, safety or welfare, or to a degree in which it is a nuisance by reason of excessiveness.

(Code 1985, § 10-5-15)

**Cross reference—** Noise generally, § 38-31 et seq.

Sec. 54-146. - Lot numbering.

- (a) All lots, buildings and structures in the village shall be numbered in accordance with the plan adopted by the village planning commission.
- (b) The planning administrator shall keep a map showing the proper street number of every lot in the village, which chart shall be open to inspection by anyone interested.
- (c) It shall be the duty of the owners and occupants of every house, building or other structure in the village to have placed thereon, or in a place clearly visible from the street, figures at least four inches high showing the number of the house, building or structure.
- (d) If any property owner fails to place house numbers as provided in this section, the village or its authorized agent may place the numbers on the property.
- (e) The penalty for failure of a property owner to place conforming numbers on the property or to allow the placing of the numbers by the village or its agents is as provided in section 54-38(d).

(Code 1985, § 10-5-16)

Sec. 54-147. - Lots not served by public water or sewer systems.

- (a) Lots not served by public water or sewer systems may not be developed unless approved by the environmental improvement division of the state health and environment department and the planning commission.
- (b) Lots not serviced by public water and sewer systems shall conform to required minimum lot sizes, required minimum setback distances and such other standards as are required by the environmental improvement division of the state health and environment department and the planning commission.

(Code 1985, § 10-5-17)

**Cross reference—** Utilities, ch. 86.

Sec. 54-148. - Recreational vehicle parks.

- (a) *Conditional use permit required; occupancy of recreational vehicles.* A conditional use permit is required for all recreational vehicle park developments and is intended to provide for the development of recreational vehicle parks at standards consistent with the health, safety and welfare of the village.

Recreational vehicle parks are permitted by conditional use permit only in C-2 districts. Recreational vehicles, as defined in section 54-31, when used for living purposes, shall be located solely in recreational vehicle parks.

(b) *General requirements.*

- (1) *Access; minimum area.* Recreational vehicle parks shall abut and have access from major arterial streets and shall be a minimum of two acres.
- (2) *Utilities.* Water, sewer, electricity, telephone and other necessary utilities shall be available at the recreational vehicle park, and placement shall be approved by the planning commission.
- (3) *Driveways.* Access and interior driveways shall be designed to increase ease of access, increase privacy and provide safety. Placement shall be approved by the planning commission.
- (4) *Density of spaces.* The density of spaces in any recreational vehicle park shall not exceed 20 spaces per acre.
- (5) *Setbacks.* Setbacks shall be the same as for other permitted uses in a C-2 district.

(c) *Development standards.*

- (1) *Size of spaces.* Spaces for recreational vehicles shall be a minimum of 1,500 square feet, with minimum dimensions of 30 feet by 50 feet.
- (2) *Pads.* Recreational vehicle pads shall be a minimum of 14 feet by 35 feet, and shall be paved with asphalt or other all-weather surface.
- (3) *Setbacks within spaces.* Setbacks within the recreational vehicle space shall be a minimum of eight feet in the front, and five feet in the side and rear.
- (4) *Landscaping.* A landscaping concept plan shall be approved by the planning commission for all areas not covered by structures or paved.
- (5) *Screening.* Screening of the perimeter of a recreational vehicle park by a wall and/or other approved landscaping shall be required.
- (6) *Arrangement of spaces and accessways.* Private accessways and individual space arrangements shall be designed to accommodate frequent movement of recreational vehicles.
  - a. Interior streets shall be a minimum of 20 feet for one-way traffic and 27 feet for two-way traffic, and shall be paved with asphalt, concrete or crushed rock.
  - b. The street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible.
- (7) *Recreational area.* There shall be active recreational area for tenants, comprising not less than seven percent of the gross site area, which shall not include required setback areas.
- (8) *Community building.* There shall be a community building which shall provide for recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers and a laundry. No dry cleaning shall be permitted in the recreational vehicle park. The community building may not be included as part of the required recreational area.
- (9) *Refuse collection facilities.* Adequate refuse collection facilities shall be provided, constructed and maintained in accordance with all village health regulations, and shall be screened and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
- (10) *Lighting.* Lighting shall be provided to illuminate accessways and walkways for the safe movement of vehicles and pedestrians at night.
- (11) *Sewage disposal.* An approved means for emptying sewage holding tanks shall be provided.

- (12) *Expansion of existing parks.* Expansion of existing recreational vehicle parks shall be in accordance with provisions of this section.
- (13) *Caretaker's residence.* One mobile home may be placed in the recreational vehicle park for use by a caretaker.

(Code 1985, § 10-5-18)

Sec. 54-149. - Architectural design standards.

- (a) *Purpose; objectives.* The architectural design standards set forth in this section are intended to encourage innovative design with a reasonable degree of freedom of choice while showing a concern for visual amenities and preserving the special qualities inherent in the village that attract tourists and residents alike and that are the basis of the village's economic stability and growth. Objectives of architectural design standards are to:
  - (1) Protect property;
  - (2) Maintain the high character of community development; and
  - (3) Protect real estate from impairment or destruction of value.
- (b) *Definitions.* As used in this section, the following terms shall have the meanings designated in this subsection:
  - (1) *Accessory building* is as defined in section 54-31. For purposes of this section, an accessory building shall be of a size not greater than 50 percent of the size of the principal building.
  - (2) *Enamel* means a glassy, opaque substance fused to metal as a protective coating.
  - (3) *Exposed* means open to view.
- (c) *Metal siding, cinderblock and cement.* Exposed metal siding, cinderblock and cement on buildings is prohibited in all districts except as follows:
  - (1) Exposed metal siding and painted or tinted cinderblock and cement are permitted in I-1 districts.
  - (2) The planning commission may approve metal siding and painted or tinted cinderblock and cement on all buildings in C-4 districts and on accessory buildings in all districts upon finding that:
    - a. Such siding is characteristic of building types within the area; and
    - b. Portions of the building facing any public way are covered with a suitable building veneer, such as but not limited to wood, brick or stucco.
  - (3) Unpainted and untinted cement is allowed on sidewalks and other walkways.
  - (4) Metal siding is permitted in residential districts as follows:
    - a. On mobile homes or manufactured housing otherwise permitted by this Code;
    - b. On residences and accessory buildings, except that raised rib metal, v-rib metal, R-panel siding and similar siding is prohibited;
    - c. On prefabricated storage buildings meeting the requirements of subsection 54-92(d)(3) and provided that the storage building does not exceed 120 square feet or ten percent of the size of the residence whichever is larger.
- (d) *Unenameled metal roofs.* Unenameled metal roofs are prohibited in all districts, except as approved by the planning commission upon findings that:
  - (1) The metal will have a protective coating that sufficiently reduces glare;
  - (2) The metal is consistent with the architectural style of the building; and
  - (3) The metal is consistent with the provisions of subsection (a) of this section.

- (e) *Temporary or portable carports.* Temporary or portable carports as defined in section 54-31 are prohibited in all districts.

(Code 1985, § 10-5-19; Ord. No. 96-15, 9-10-96; Ord. No. 99-02, 3-30-99)

Sec. 54-150. - Approved structures.

- (a) Use of property permitted by this article shall be conducted from or within a permanent structure conforming to the state Uniform Building Code requirements for the use or uses to be conducted in the respective zone district, unless approved as a mobile vending stand pursuant to subsection (b) of this section or unless approved under subsection 54-100(c)(24) allowing use of fiber or membrane tent in a C-2 zone district.
- (b) Mobile vending stands are expressly prohibited except when licensed and approved in C-2 and C-3 zone districts as a conditional use or where use is temporary and operated in connection with special community and civic events which have been licensed and approved by the village under section 26-69 and the operation is limited to the approved location and jurisdiction for such event.

(Code 1985, § 10-5-20; Ord. No. 97-12, § 3, 7-29-97)

Sec. 54-151. - Urban-Wildland Interface Code adopted; amendments.

- (a) *Adoption of Urban-Wildland Interface Code.* There is hereby adopted by the Village of Ruidoso for the purpose of prescribing regulations mitigating the hazard to life and property from intrusion of fire from wildland fire exposures, fire exposures from adjacent structures and prevention of structure fires from spreading to wildland fuels, that certain code known as the Urban-Wildland Interface Code (U/WIC) published by the International Fire Code Institute, being particularly the 2000 edition thereof and the whole thereof, including all amendments thereto and all future editions thereof, save and except such portions as are hereinafter deleted, modified or amended by this ordinance. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the jurisdiction of the Village of Ruidoso, as provided by law.
- (b) *Establishment and duties of code official.* The U/WIC as adopted and amended herein shall be enforced by the planning director or his designee. In areas of overlapping jurisdictions, appropriate sections shall be enforced by either the planning director, director of forestry, or the fire chief, as applicable.
- (c) *Amendments to the U/WIC.* The U/WIC adopted herein is amended as follows: Section 504.3 is amended to read: Combustible eaves, fascias and soffits shall be enclosed. Any exposed material must be a minimum of one-hour-rated fire-resistive material. Appendix I-C is replaced with a new Fire Hazards Rating Form which shall reflect the standards in subsection (g) below. Appendix I-B is repealed and in its place shall be adopted the Fuels Management Standards of the Village of Ruidoso found in section 42-80 of this Code.
- (d) *Appeals.* Whenever the code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the code official to the planning and zoning commission and thereafter to the governing body and district court, all as provided in this chapter.
- (e) *New materials, processes or occupancies which may require permits.* The planning administrator, the building inspector, director of forestry, and the fire chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The

planning administrator shall post such list in a conspicuous place at the planning department and distribute copies thereof to interested persons. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule of this code.

- (f) *Enforcement.* The provisions of the U/WIC shall be enforceable according to the provisions of this chapter.
- (g) Fuels Management Requirements (section 42-80 of this Code) and the site related portion of the Fire Hazard Rating Form (section 42-81 of this Code) must be assessed BEFORE issuance of a building permit.
  - (1) Volume of forest debris to be removed from the building site (footprint) shall be assessed by the director of forestry. applicant shall either pay the fees set forth in Appendix A to this Code or make other disposal arrangements as approved by the director of forestry.
  - (2) For sites located within village limits, forest material, including tree stumps, that will be picked up by the village solid waste department; must be placed at curbside or alternate approved locations. Stumps must be piled separately from branch and trunk material.
    - a. Complete removal and disposal of tree stumps is the responsibility of the permittee.
    - b. If outside the village, see subsection 54-133(f).
  - (3) Fuels Management Standards (section 42-80) shall be completed and inspected prior to issuance of a certificate of occupancy or re-certification of the site plan.

(Ord. No. 2002-04, 6-25-02; Ord. No. 2004-02, 5-11-04; Ord. No. 2007-09, 9-11-07)

Secs. 54-152—54-180. - Reserved.





## Chapter 18.70 - DESIGN STANDARDS

### Sections:

#### 18.70.100 - General.

The design standards contained in these regulations, and elsewhere, are intended to implement the Clovis comprehensive plan. Construction standards which apply to the actual construction of a facility or utility are found in the public works department manual "Construction Standards" and New Mexico standard specifications for public works construction. Traffic standards which apply to these regulations are found in the latest edition of the Institute of Traffic Engineers "Transportation and Traffic Engineering Handbook."

All improvements must meet all Federal ADA Regulations.

*(Ord. 1606-99 § 2(part), 1999).*

#### 18.70.200 - When applied.

Design standards apply to all improvements within a subdivided or planned unit development area. The designer of a subdivision must use the design standards when designing a subdivision. The city must use the design standards when reviewing a subdivision plan or plat, or plans for other public facilities. All projects within the city will conform to the design standards contained in these regulations.

*(Ord. 1606-99 §2(part), 1999).*

#### 18.70.300 - Traffic circulation facilities.

The required right-of-way based on expected traffic volume is found in Table 1. The road system must be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape. The arrangement of streets will conform to the circulation plan of the Clovis comprehensive plan or official maps of Clovis. For streets not shown on the comprehensive plan or official maps, the arrangement will provide for the appropriate extension of existing streets. Residential streets will be arranged so as to discourage through traffic and provide for maximum privacy.

- A. Arterial Street. An arterial street is intended to carry a large volume of traffic from one part of the community to another part. State highways which carry traffic through Clovis are also arterial streets. Arterial streets will be located a maximum of one mile apart, preferably on a section line. If the land use pattern will generate in excess of ten thousand ADT, the arterial street will be located closer than one mile. Any arterial street shown on the Clovis comprehensive plan must be dedicated.
- B. Collector Street. Residential streets will access to collector streets designed for higher speeds and higher traffic volumes. A collector street will connect with an arterial street and be located midway between arterial streets (approximately one half mile from each parallel arterial street). A collector street will serve each area of a subdivision containing four hundred dwelling units. The collector street will be centrally located to the dwelling units served. Collector streets should

interconnect. When intersecting with an arterial street, collector streets must intersect with another collector street or be off-set by at least one thousand feet. Any collector street shown on the Clovis comprehensive plan must be located and dedicated as such.

- C. Local Street. A local street provides frontage for access to lots and carries traffic that has origin or destination at lots adjacent to the street. Local streets are designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units, must front on this class of street. An east-to-west orientation is considered desirable. A local street may intersect with an arterial street if offset by at least six hundred fifty feet on the same side of the arterial from any other intersection, measured centerline to centerline, with the arterial and generates no more than two hundred fifty ADT. A local street and an arterial street may intersect at a T-intersection only.

D. Other Streets.

Cul-de-sac. A cul-de-sac is a street with a single means of ingress and egress with a turnaround at the end. Design of turnaround may vary. A cul-de-sac must be designed according to anticipated ADT level; a residential access cul-de-sac will have a maximum ADT level of two hundred fifty.

Marginal access street. A marginal access street runs parallel to a collector or arterial street and provides access to abutting properties and separation from through traffic on adjacent streets.

Private street. A private street is permitted in PUD. The design of the street must be based upon the expected ADT. An applicant must submit a traffic study justifying any street with a cross-section less than a required public street.

- E. Alley. A service road that provides secondary means of access to all lots is required unless the city accepts an alternative design plan.
- F. Intersection.
1. Streets will be laid out so as to intersect at right angles, except where topography or other site conditions justify variations. The angle of an intersection must not vary more than ten degrees from a right angle. No intersection of public or private streets will be on a curve of centerline radius less than five hundred feet. No curb cut will be allowed on a curve section of road whose inside curve radius is less than one hundred fifty feet.
  2. Intersections must be designed with adequate corner site distance. Corner site distances is defined as measured from a point on the centerline of the right-hand travel lane of the minor road at least fifteen feet from the edge of a major road pavement and measured from a height of eye of three and three-fourths feet on the minor road to a height of object of four and one-half feet on the centerline of the travel lanes of a major road. The corner site distance for local and collector streets will be a minimum of two hundred feet. On arterial streets, corner site distance will be three hundred fifty feet. In addition to the corner site distance requirement, no fence, wall, entrance, hedge, shrub planting, tree or other site obstruction greater than two and one-half feet above the pavement elevation will be located within the triangular area formed by curb lines and a line connecting them at points thirty-five feet from their point of intersection.
  - 3.

Streets entering the opposite sides of a street shall either be directly across from each other or offset by at least one hundred twenty-five feet from centerline to centerline.

4. Streets which enter onto the same side of a street must have an interval of at least three hundred feet from centerline to centerline.
5. Curb corner radii at all intersections must be a minimum of twenty feet.
6. Street name signs must be provided at all intersections.
7. Intersections which include collector or arterial streets will be designed to allow for future traffic signalization. Geometry and all other details of these intersections will be approved by the city engineer.

*(Ord. 1769-2004 § 2, 2004; Ord. 1606-99 § 2(part), 1999).*

#### 18.70.400 - Pedestrian and bicycle system.

- A. Sidewalks. Sidewalks will be required parallel to all public streets and shall be sized depending on road classification and intensity of development. Alternative locations of sidewalks may be proposed by the applicant. In case an alternative location is proposed, sidewalks in the street right-of-way may still be required if close to a pedestrian generator, to continue a walk on an existing street, or to link areas of probable future development as indicated in applicable master plans. In conventional developments, sidewalks must be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. All sidewalks must be installed before a certificate of occupancy will be issued or by the end of the one year warranty period for the public improvements for unoccupied lots.
- B. Walkways. Pedestrian easements ten feet wide may be required by the city through the center of a block more than six hundred feet long to provide circulation or access to schools, playgrounds, shopping, or other community facilities.
- C. Bikeways. Separate bicycle paths are required only if such paths are part of the adopted Clovis comprehensive plan.

*(Ord. 1606-99 § 2(part), 1999).*

#### 18.70.500 - Minimum stormwater management requirements.

- A. The requirements of this section shall apply to all subdivisions and any development of seven thousand square feet or more within the city planning and platting jurisdiction. The minimum stormwater management requirements shall apply to land development activities that are smaller than the minimum applicable size if such activities are a part of a larger common plan of development, even though multiple separate and distinct land development activities may take place at different times on different schedules. The city commission may, after considering the comments and recommendations of the public works director, grant an exception from the requirements of the minimum stormwater management requirements if it is not feasible due to the natural or existing physical characteristics of the site to meet the applicable standards.

This section shall be applicable to residential subdivisions, except those residential lots, subdivisions and units of subdivision which, on the effective date of this chapter, have infrastructure improvements installed in the subdivision or unit of a subdivision.

B.

The minimum stormwater management requirement is that all applicable developments shall provide management measures necessary to maintain the post development peak discharges for twenty-five year frequency, one hour storm events at a level that is equal to or less than the respective twenty-five year frequency, one hour pre-development peak discharge rate, through stormwater management practices that control the volume, timing, and rate of flows. See Exhibit A, use as reference, for general guidelines.

- C. Stormwater management measures shall be required to satisfy the minimum stormwater management requirements. The stormwater management practices utilized to develop a stormwater management plan shall be implemented according to the following order of preference.
1. Infiltration of runoff on site;
  2. Off-site stormwater management utilizing an existing playa;
  3. Flow continuation by use of open vegetated swails and natural depressions;
  4. Stormwater retention structures;
  5. Stormwater detention structures.

A combination of successive practices may be used to achieve the applicable minimum stormwater management requirements. The stormwater management plan shall be provided in the Clovis drainage plan and in compliance with the Clovis flood ordinance.

- D. The owner/developer of a subdivision (or a unit of a subdivision) subject to this section shall submit a stormwater management plan at the time of submission of the subdivision plat for preliminary approval (final approval for all residential subdivisions that have received preliminary approval prior to the effective date).
- E. The stormwater management plan for a subdivision may propose compliance in accordance with the requirements of a subsection B above by a subdivision-wide proposal or a lot-control proposal. For new subdivisions or units, it is preferred that a subdivision-wide proposal be submitted.
- F. If a subdivision, after being fully developed, has or will have the potential to create a stormwater impact to downstream properties, the owner/developer must provide on-site stormwater management measures, unless the owner/developer is willing to build a structure to adequately facilitate an off-site stormwater management location (such as the next available playa, without impacting the intervening properties).
- G. If a subdivision is located adjacent to a natural playa that receives runoff from the same water shed as the subdivision, off-site stormwater management utilizing the adjacent playa may be approved.
- H. Whenever off-site stormwater management is proposed, the owner/developer must submit a stormwater control plan demonstrating that: (1) the plan will not impact downstream properties between the subdivision and the receiving property (playa), and (2) the plan will not reduce the original capacity of the receiving property to handle the pre-development runoff from the water shed.
- I. The road system in most areas will be a primary element of the storm drainage collection system of a developed area. Wherever possible, road layouts and grades should be designed to avoid excessive runoff concentration and to minimize the need for storm sewers. Curbed roadways provide drainage outfalls for adjacent properties and site grading generally should provide for runoff from sites toward the roadway. Provisions shall be made in the design of roadways to manage stormwater throughout a subdivision or development. All storm drainage system components must be designed in accordance with the standards of the department of public works manual of construction standards.

J.

Playa stormwater storage shown on the Clovis comprehensive plan and/or the Clovis drainage plan must be accurately defined. The size of the playa may be determined by the designated capacity found in the drainage plan. If a developer wishes to store additional stormwater generated by the subdivision or development, the size of the playa may be increased by the developer if approved by the city.

- K. Existing drainage ways must be continued and be capable of carrying the historic volume of runoff. A drainage way shall be included in the subdivision or development plan if needed to carry stormwater runoff in excess of the event described in subsection B of this section. All drainage ways must be of sufficient width to carry the expected maximum stormwater flow as defined by the Clovis drainage plan and in compliance with the Clovis flood ordinance. An area at least ten feet in width along one side of the channel must be provided in addition to the drainage way channel.
- L. All drainage facilities must meet the standards contained in the department of public works manual of construction standards.
- M. If a stormwater management plan is approved for individual lot(s), a notation of the stormwater control requirement shall be identified on the plat in a manner approved by the city so that the stormwater management control will be identified as a burden on the lot that will run with the title of the property.

(Ord. 1835-2006 § 3(part), 2006).

#### 18.70.510 - Retention/detention.

- A. A residential subdivision-wide stormwater management plan that has a retention/detention area will be maintained by the developer, or is successors-in-interest, for a minimum period of one year from the completed construction of the retention/detention area. Any necessary repairs to the control area will be completed prior to the acceptance by the city.
- B. A commercial subdivision stormwater management retention/detention area will be permanently maintained by the developer, or its successor-in-interest. Minimum standards established by this chapter shall be maintained at all times.
- C. For planned unit developments, retention/detention areas may be combined with open/recreational spaces as dual use. In the event dual use is approved as a part of the development plan, the total area designated for retention/detention of stormwater shall be maintained by the developer or homeowner's association referenced in Section 17.30.330, and the city shall not assume ownership or maintenance responsibility.
- D. All subdivision-wide stormwater management areas that will be maintained by the city shall be constructed without trees, shrubs or permanent structures that would interfere with maintenance requirements. The developer shall establish the retention/detention area with a native or drought resistant grass.
- E. The inside slope of a retention/detention area shall be no steeper than a five to one ratio (horizontal:vertical).
- F. The maximum depth of a retention/detention area will be two feet. The allowable depth shall be the vertical distance from grade level to the bottom of the retention/detention area.
- G. Upon the recommendation of the director of public works, the commission may approve a deviation in the size and depth of a retention/detention area if the location of the retention/detention area is placed away from the streets and lots in a manner that will maximize visual and esthetic features, reduce or minimize health and safety risks, and not adversely impact the maintenance of the retention/detention area.

*(Ord. 1835-2006 § 3(part), 2006).*

*(Ord. No. 1941-2010, § 3, 10-21-10).*

#### 18.70.600 - Utilities.

The developer must coordinate with the affected utilities to provide utilities with sufficient capacity to serve any subdivision or development. Design and construction must be coordinated with the affected utilities. Utilities must be constructed according to the utility company standards and standards contained in these regulations and in the public works department and New Mexico standards. When public sewer and/or water is not furnished, Curry County and state of New Mexico regulations must be followed. If an alley is not provided in a planned development, a utility easement of sufficient width and accessibility must be provided and be part of the approved development plan.

- A. Sewer. All collection lines for sewer must be located in an alley which serves adjacent property unless a specific exception is requested by the applicant and a plat or PUD development plan delineating such exception is approved by the city.
- B. Mail Service. The method of mail delivery must be coordinated with the local US Postal Service and city staff.

*(Ord. 1606-99 § 2(part), 1999).*

#### 18.70.700 - Other design requirements.

- A. Access to Lots and Buildings. Access to lots and buildings must be provided in accordance with the Uniform Fire Code, as published by the International Conference of Building Officials, Chapter 10.207 (a) and (c). Except for cul-de-sacs, streets will connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or should be a reasonable projection of streets in the nearest subdivided tracts. A private road or driveway will connect to a dedicated street.
- B. Public Safety within a Development. A design for a subdivision and/or a planned unit development must provide for public safety. The design will be reviewed by the city using the following standards:
  - 1. Lighting is arranged so that an entry point, side walk, walkway, recreation area and parking area are adequately illuminated during the times of use.
  - 2. Landscaping is arranged so that areas adjacent to entry points will not provide places of concealment. Plantings adjacent to a walk or parking area must be open or lighted so that a place of concealment is not created.
  - 3. A development with a private road, walkway or parking area will provide to the city of Clovis an easement to each such area which will allow police and fire personnel access at any time.
  - 4. A fence adjacent to a public right-of-way or easement will have an access point into any area without direct access to a public area. If locked, the access must have a lock on the easement right-of-way which can be opened by the police and fire department.

*(Ord. 1606-99 § 2(part), 1999).*

#### 18.70.800 - Street lights, street signs.

Street lights and street signs will be provided as required by city regulation. See department of public works manual "American Standard of Construction Standards."

*(Ord. 1606-99 § 2(part), 1999).*

#### 18.70.900 - Design standards which apply to a PUD.

- A. Adequate design of grades, paving, gutters drainage and treatment of turf to handle stormwaters, prevent erosion and formation of dust;
- B. Adequate safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination;
- C. Adequate amount and proper location of pedestrian walks and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks and public transportation loading places from general vehicular circulation facilities;
- D. Arrangement of buildings and vehicular circulation so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;
- E. Proper arrangement of signs and lighting with respect to traffic control devices and adjacent residential districts;
- F. An adequate amount and safe location of play areas for children and other recreational area according to the concentration of occupancy;
- G. Arrangement of buildings so that views from entrances and windows are not blocked by nearby structures. Each dwelling unit must have at least one wall with windows through which landscaped yard areas is visible;
- H. A metal trash collection container must be located so that it is conveniently accessible and is used by six residential units. The location of the trash container must be readily accessible by trash collection trucks.

*(Ord. 1606-99 § 2(part), 1999).*





## 17.30.310B - Design standards.

A. Permitted Uses. Any use or mixture of uses may be proposed under a planned unit development.

B. Area, Height and Setbacks.

1. The maximum allowable density in any planned unit development shall be determined by the underlying zoning district as follows:

PUD STANDARDS			
Zoning District	Minimum Site Area	Units/Acre Density	OSR
Ranchette (RA)	10 acres	1.0	70%
Single-Family (RS)	No minimum	4.50	25%
Residential (R)	No minimum	15.0	15%
Mixed Development (MD)	2.0 acres	16.0	10%
Urban Development (UD)	15,000 ft. <sup>2</sup>	28.0	10%
MAXIMUM DENSITY EXCEEDED ONLY IF PARKING AND OTHER CRITERIA ARE MET.			

2. If a planned unit development containing residential uses is proposed in a nonresidential district, the maximum allowable density shall be based on the gross acreage devoted to residential use and shall not include area devoted to nonresidential use.

- C. Parking. Off-street parking or equivalent community parking lots shall be provided at a standard of two spaces per dwelling unit, subject to adjustment recommended by the planning and zoning commission, and approved by the city commission on the basis of projected need, but not less than 1.5 spaces per dwelling unit. Off-street parking for commercial uses shall be provided on the basis of projected need. Current standards in this chapter for commercial uses shall be used as a guide. In residential developments, adequate provisions shall be made for the parking of recreational vehicles.
- D. Open Space. Compliance with the recreation space dedication requirements of Table 17.30.310B shall be required for all planned unit developments. If the planned unit development includes individually owned units, any common open space shall be maintained in common ownership, established in an appropriate legal manner. Such open space shall be maintained in one of the following methods:
  1. By the developer or management authority of the planned unit development;
  2. By a homeowners' association; or
  3. By the city upon approval of the dedication by the city as public open space. The open space provided shall not reduce the recreation space dedication requirement unless such open space is dedicated to and accepted by the city and is consistent with the parks master plan element. The planned unit development may include areas that are undisturbed if such treatment is judged to be in the best interest of the city.
- E. Streets and Sidewalks. Streets shall be designed to accommodate projected traffic and parking demands of the development and shall be consistent with sound engineering practices. In no case shall the required right-of-way or street section be reduced on streets shown on the major thoroughfare plan or on streets that serve other property outside of the planned unit development. Sidewalks will be required to serve to connect areas of high pedestrian use.
- F. Other Conditions. The planning and zoning commission and city commission, in considering the proposed planned unit development, shall specifically consider the compatibility of the individual elements which make up the development plan. In reviewing a planned unit development, the planning and zoning commission may recommend and the city commission require setbacks or other standards of design in excess of or in lieu of those standards normally applicable in any area when, in its opinion, conflicts may result due to possible friction between various types of land uses.
- G. Design Incentives.
  1. To further certain goals and objectives that the city has determined should be promoted, the following design incentives may be requested by the petitioners at the time a planned unit development is submitted for consideration:
    - a. For developing property using the planned unit development requirements and promoting the objectives stated in Section 17.20.218, maximum allowable densities may be increased up to ten percent.
    - b. For the preservation of natural features such as floodways and flood channels with natural vegetation, maximum allowable densities may be increased up to fifteen percent.

- c. For the use of landscaping or screening materials to serve as a buffer between different land uses, maximum allowable densities may increase up to ten percent.
- d. For the preservation of the floodway or floodplain, maximum allowable densities may be increased up to ten percent.
- 2. If the planning and zoning commission or city commission finds that any of the following conditions would be created by an increase in the maximum allowable density permitted by this section, it may prohibit the increase or limit the increase by an amount which is sufficient to avoid the creation of any of the following conditions:
  - a. Inconvenient or unsafe access to the planned development;
  - b. Traffic congestion in the streets which adjoin the planned development;
  - c. An excessive burden on public parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the planned development; and
  - d. A development which will be incompatible to the intent of Section 17.20.218
- 3. At the perimeter of the planned unit development, buildings shall be designed to be compatible with adjacent buildings outside the boundary of the development, in terms of such things as heights, land use and building separations. Setbacks of the zones which the development borders shall be used as a guide.
- 4. All other setbacks may be reduced or waived, provided the proposed design is in compliance with all applicable building and fire codes adopted by the city. Setbacks of the underlying zone shall be used as a guide.

(Ord. No. 1941-2010, § 2, 10-21-10).

## Chapter 17.40 - DISTRICT INTENSITY AND BULK STANDARDS

### Sections:

#### 17.40.000 - Purpose.

This chapter establishes the basic performance standards applicable to each zoning district.

(Ord. 1495-96 §3(part), 1996).

#### 17.40.100 - District performance standards.

The district performance standards presented in this chapter are minimum standards and shall apply to each district and use.

(Ord. 1495-96 §3(part), 1996).

#### 17.40.110 - Performance standards.

This section contains the basic district standards applicable to all uses. Lot and bulk standards that vary from district to district are in Table 17.40.110(A). Lot and bulk standards for units in planned and attached housing types are in Table 17.40.110(B) and Figure 17.40.110.

(Ord. 1795-2004 §2, 2004; Ord. 1773-2004 §2(C)—(E), 2004; Ord. 1795-2004 §2, 2004; Ord. 1773-2004 §2(part), 2004; Ord. 1737-2003 §2, 2003; Ord. 1524-97 §2(part), 1997; Ord. 1495-96 §3(part), 1996).

(Ord. No. 1876-2008, § 2, 10-18-07; Ord. No. 1923-2010, § 2, 1-7-10; Ord. No. 1995-2013, § 2, 1-17-13).

**Table 17.40.110(A)**

#### Use and Lot Standards

	District Standards				Site, Lot and Building Standards					
	Min.	Intensity			Minimum					
Zoning District and Development Type	OSR/LSR	Max. Density	Max. FAR	Sewer	Site Area	Lot Area	Lot Width	Street Yard	Side Yard	Rear Yard
<b>Ranchette (RA)</b>										
Agriculture	0.00	0.09	—	OS	10 ac.	10 ac.	330	100	50	50
Single-family detached	0.00	0.22	—	OS	4 ac. <sup>(4)</sup>	4 ac.	250	100	40	25 <sup>(5)</sup>
Equestrian	0.60	0.16	—	OS	40 ac.	2 ac.	200	75	30	25

Single-family cluster	0.60	0.31	—	OS	40 ac.	1 ac.	150	75	25	25
Planned	0.70	0.50	—	P	40 ac.	See Table 17.40.110(B).				
Institutional residential	0.00	1 rm	—	OS	4 ac.	4 ac.	300	100	40	100
Institutional	0.80	—	0.10	OS	10 ac.	10 ac.	330	100	50	100

**Residential Single-Family (RS)**

Single-family detached	0.00	3.35 <sup>(1)</sup>	—	OS	7,000 <sup>(4)</sup>	7,000	65	20	5	35 <sup>(5)</sup>
Single-family cluster	0.25	3.79 <sup>(1)</sup>	—	P	5 ac.	5,400	50	20	5	35
Planned	0.30	4.35	—	P	40 ac.	Single-family and single-family attached types				

see Table 17.40.110(B).

Institutional residential	0.00	10 rms	—	P	1 ac.	1 ac.	150	35	15	30
Institutional	0.65	—	—	P	3 ac.	5 ac.	250	50	30	20

**Neighborhood Conservation (NC)**

NC-M	0.202	—	—	P	6,400	3,200	40	15	10/26	10
NC-6	—	—	—	P	6,000	6,000	50	25/5	5/1	35
NC-8	—	—	—	P	7,000	7,000	60	25	5	30
NC-10	—	—	—	P	10,000	10,000	70	35	15	35
NC-15	—	—	—	P	15,000	15,000	80	35	20	40
NC-1 ac	—	—	—	P/OS	1 ac.	1 ac.	150	40	20	40

**Residential (R)**

Single-family detached	0.00	4.81 <sup>(1)</sup>	—	P	5,000 <sup>(4)</sup>	5,000	50	20	6	15 <sup>(5)</sup>
Attached single-family	0.20	8	—	P	10,000	Use twin, atrium, weak-link, or townhouses				

Table 17.40.110(B).

Planned	0.20	12	—	P	20,000	See Table 17.40.110(B).				
Institutional residential	0.00	20 rms	—	P	20,000	20,000	100	25	10	20
Institutional	0.40	—	0.35	P	30,000	30,000	100	35	15	20

**Planned Development Overlay (PRO)**

All uses	1. The underlying zoning district standards shall control all standards unless a density bonus is awarded.
	2. The city may award a density bonus for single-family or planned development of up to 15 percent over the underlying district.
	3. Required open space ratios (OSR) may not be reduced by more than 10 percent of that required in the underlying district. An underlying district with an OSR of 0.20 may be reduced to 0.18.
	4. Planned developments shall use the standards of Table 17.40.110(B).
	5. All other lot standards shall be specifically approved and spelled out in the planned redevelopment overlay preliminary plan.

**Mixed Development (MD)**

Single-family detached	0.10	4.81(1)	-	P	5,000(4)	5,000	50	25	5	15(5)
Attached single-family	0.20	<u>9.50</u>	-	P		Use twin, atrium, weak-link or townhouses				
						Table 17.40.110(B).				
Planned	0.20	14.00(4)	-	P	15 ac.	See Table 17.40.110(B).				
Apartment	0.20	14.00(4)	-	P	15 ac.	See Table 17.40.110(B). Multifamily.				
Institutional residential	0.00	30 rms		P	2 ac.	2 ac.	150	25	25	25
Institutional	0.30	-	0.50	P	20,000	20,000	100	25	10	20
Office	0.20	-	0.50	P	20,000	7,000	65	25	0	0
Commercial	0.15	-	0.50	P	20,000	7,000	65	25	0	0
Amusement/industrial	0.00	2.0 rms	2.0 rms	P	60,000	60,000	200	25	25	25

**Urban Development (UD)**

Single-family detached	0.10	4.81 <sup>(1)</sup>	—	P	5,000 <sup>(4)</sup>	5,000	50	25	5	15 <sup>(5)</sup>
Single-family attached	0.15	10.5	—	P	10,000	Use twin, atrium, weak-link or townhouses				
						Table 17.40.110(B).				
Planned	0.20	25.0	—	P	15,000	See Table 17.40.110(B).				
Apartment	0.20	25.0	—	P	15,000	See Table 17.40.110(B). Multifamily.				
Institutional residential	0.00	32 rms	<u>12</u> rms	P	2 ac.	2 ac.	180	0	0	0

Institutional	0.00	—	0.50	P	5,000	20,000	50	0	0	0
Office	0.00	—	1.50	P	5,000	20,000	50	0	0	0
Commercial	0.00	—	0.39	P	5,000	20,000	50	0	0	0
Industrial	0.15	2.0 rms	0.49	P	15,000	60,000	100	10	5	30
<b>Industrial (I)</b>										
Agricultural	0.90	—	0.10 <sup>(2)</sup>	P	20 ac.	20 ac.	660	25	6	15
Intensive agriculture	0.10	—	0.10	OS	10 ac.	10 ac.	500	50	50	50
Single-family detached	0.00	0.85	0.25	P	1 ac. <sup>(4)</sup>	1 ac.	130	50	15	15 <sup>(5)</sup>
Institutional	0.20	—	0.40	P	2 ac.	2 ac.	150	50	25	25
Commercial	0.10	—	0.32	P	20,000	20,000	100	50	15	10
Home uses	0.00	—	0.25	P	1 ac.	1 ac.	130	50	20	15
Airport	0.20	—	0.15	P	300 ac.	300 ac.	1,320	100	100	100
Light industry	0.10	—	0.75	P	1 ac.	1 ac.	150	50	0/15	10
Warehousing	0.10	—	0.55	P	1 ac.	1 ac.	150	50	0/15	10
Heavy industry	0.15	—	0.55	P	1 ac.	1 ac.	300	100	10/20	10
Extraction/disposal	0.15	—	0.30	P	25 ac.	25 ac.	500	200	50	50
All other industry	0.10	—	0.55	P	1 ac.	1 ac.	150	50	0/15	10

(1) Neighborhood conservation district density applies only to infill development along new roads, otherwise the lot area controls.

(2) Greenhouses are permitted a FAR of 0.60.

(3) Mobile home parks only.

(4) Applies to structures which are four to ten stories high.

(5) Five-foot rear yard setback with garage on alley (must comply with National Electrical Safety Code for clearances and local utility requirements.

(6) The FAR may be increased an additional ten percent if the minimum landscape/open space, off street parking, set-backs and storm water requirements have been met.

Editor's note—The maximum height restriction for buildings is controlled by the International Building Code.

Rms = Rooms	0.4 = 0.4 Opacity	st 1, st 2 = Street buffer
P = Parking buffer	ac. = Acres	

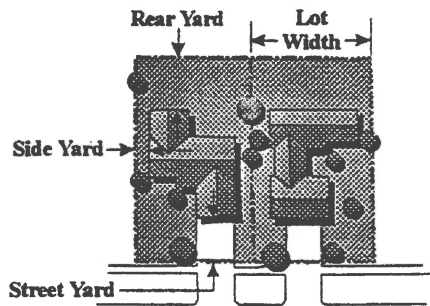
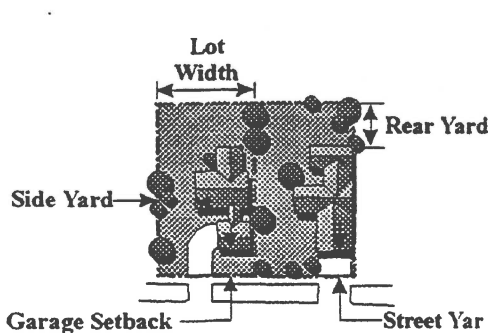
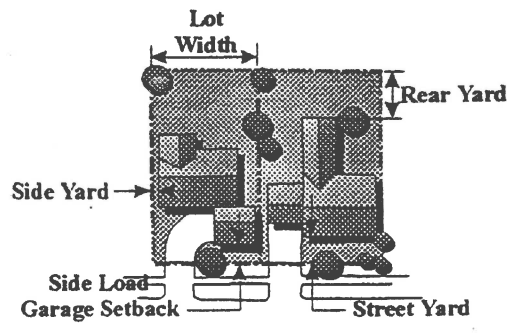
**Table 17.40.110(B)**

**Lot Standards—Attached and Planned**

	Minimum								Maximum	Patio Minimums		
Development Type	Site Area	Lot Area	Lot Width	Street Yard	Side Yard	Bldg. Spacing	Rear Yard	Floor Area	Avg. Attchd. Units per Building Setback	Area	Width	Side Load Garage
<b>Single-Family</b>												
Detached	—	7,000	65	25	5	na.	15 <sup>(2)</sup>	2,500	—	—	—	—
Lot line	—	6,000	60	20	1@10	10	15	2,200	—	—	—	<u>8</u>
Village house	—	5,000	50	45	5	na.	15/5 <sup>(2)</sup>	2,000	—	—	—	6
Patio	—	4,500	50	<u>8</u> <sup>(2)</sup>	patio	<u>8</u>	patio	1,800	—	1,000/48	20/6	—
<b>S.F. Attached</b>												
Twin	9,000	4,000	48	20	1@8	<u>12</u>	15	1,600	—	—	—	—
Atrium	9,000	3,000	45	0	0	<u>8</u>	<u>8</u>	1,500	—	800/48	24/6	—
Weak-link town	10,800	3,600	36	15	0	10	25	1,800	<u>8</u>	—	—	—
Townhouse	7,200	2,400	24	15	0	10	25	1,400	10	—	—	—
<b>Multifamily</b>												
Multiplex	8,000	2,000	80	20	6	<u>12</u>	15	1,200	—	—	—	—
Aptmt. 2-story	8,000	1,800	100	25	<u>12</u>	30	20	1,000	—	—	—	—
Aptmt. 4-story	8,000	1,500	100	25	<u>12</u>	30	20	1,000	—	—	—	—
Aptmt. 4-10-No Sty	16,000	1,000	100	10	0	0	0	1,000	—	—	—	—

1. No more than twenty-five percent of the building may have the narrower width, the remainder shall have the wider width.
2. Five-foot rear yard setback with garage in alley (must comply with National Electrical Safety Code for clearances and local utility requirements).
3. Twelve feet per story for each story over three.

Editor's note—The maximum height restriction for buildings is controlled by the International Building Code.

**Figure 17.40.110****Housing Types****Single-Family Detached****Lot-Line House****Village House****Chapter 17.50 - STANDARDS FOR INDIVIDUAL USES****Sections:****17.50.000 - Purpose.**

This chapter provides additional standards that apply to certain individual uses and all limited and conditional uses. The standards may apply to the use in all districts or may be specific for selected districts.

(Ord. 1495-96 § 3(part), 1996).

**17.50.100 - Individual use standards.**

Sections 17.50.100—17.50.111 contain standards that apply to uses in all districts.

(Ord. 1495-96 § 3(part), 1996).

**17.50.110 - Accessory uses, residential.**

Residential uses may have accessory buildings provided they conform to the following standards:

- A. General. Unless specified in subsections B and C of this section, all accessory structures, except carports (see Section 17.50.111) shall meet the following requirements:
  1. No freestanding accessory structures shall be permitted within the front yard setback or sixty feet from the front yard property line.
  2. Freestanding structures within the rear yard must maintain the one-foot side yard setback requirement. An accessory building may be located on the rear lot line. The wall facing the side lot line shall not exceed ten feet in height (including roof), except that the height may exceed this height limitation one foot in height for each one foot the accessory building is located inside the side and rear property line. All stormwater shall be retained on lot.
  3. An accessory building may be located on the rear lot line. The wall facing the side lot line shall not exceed ten feet in height (including roof), except that the height may exceed this height limitation one foot in height for each one foot the accessory building is located inside the side and rear property line. All stormwater shall be retained on lot.
  4. On a corner lot, an accessory building shall comply with the same side yard setback on the side street as the principal building.
  5. The total size of all accessory buildings on a residential lot shall not occupy more than fifty percent of the rear yard.



6. Accessory buildings may not be constructed of, or incorporate, either modified or freestanding, shipping containers, boxcars, truck beds, or other containers originally designed or constructed for transporting materials and not as a freestanding building or structure.
- B. Private Stables. Stables are permitted on lots over two acres in area, in equestrian subdivisions, and on lots of record existing as of this title's adoption date which legally had stables located on them. All stables shall conform to the following:
  1. The stable shall be for the owner's private use only. No horses owned by others shall be permitted to be boarded. Such a use would become a commercial stable. Commercial stables are not permitted.
  2. Stables shall not exceed forty percent of the total floor area of the house to which they are accessory.
  3. Stables shall be set back twenty-five feet from property lines.
  4. No more than one-half animal units shall be permitted per acre on lots.
- C. Fences. Fences, except for walls on patio and atrium units covered by Table 17.40.110(B), may be permitted to enclose rear yards subject to the following:
  1. Fences along streets shall be permitted only if specified in the landscaping plan. The fence design shall ensure a uniform appearance. Fences' maximum height shall not exceed eight feet.
  2. All other fences shall not exceed eight feet in height.
  3. Front yard fences shall be permitted provided they do not extend into the public right-of-way. No front yard fence shall be permitted to exceed four feet in height and shall be designed to meet the sight distance standards found in the subdivision regulations for the city.
- D. Walls. Walls of brick, stone, block or other masonry construction may be permitted to exceed the standards of subsection C of this section in the following circumstances:
  1. Where a subdivision abuts an arterial or collector street, a wall of uniform design along the sub-division's or development's entire frontage may be built to a height of eight feet.
  2. Where a residential use in the RA, RS, NC or R district abuts a developed area in an MD, UD or I district developed prior to this title's adoption and the residential use has not provided a buffer as required by this title, the landowner may build a wall to screen the use. Such walls shall not exceed ten feet in height.
  3. Front yard fence height restrictions of fences and walls shall not apply to tracts of two acres or more in an RA (Ranchette) district if there is no sight distance impairment.

(Ord. 1818-2005 § 2, 2005; Ord. 1785-2004 § 2, 2004; Ord. 1746-2003 § 2(B), 2003; Ord. 1739-2003 § 2, 2003; Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

#### 17.50.111 - Carports.

Where "c" follows the lot size designation in an NC district on the zoning map, the lot sizes and changes in the district have resulted in a need for carports. Carports are permitted in front yards only where the "c" designation appears.

- A. The following standards govern the construction of all carports in front yards in both the NC-c and NCc-1 districts:
  1. No carport in the front yard shall exceed twenty-six feet wide by twenty feet deep.
  2. In no case shall the installation of a carport create any right-of-way obstruction by the vehicle parked in the carport nor shall the carport be located closer than one foot to the property line.
  3. The clear site triangle shall start twelve feet back from the inside of the curb line.
  4. Clear views from the carport are required for safety. No obstructions to view shall be located between three and one-half and six and one-half feet above grade along the carport's exterior. No obstructions to view shall be located within a thirty-degree sight triangle located on either side of the carport.
  5. Carports shall not be used for storing items other than personal or company vehicles, motorcycles or bicycles.
- B. For those areas where the "NC-c" designation appears, the roof of the carport shall be similar to the roof of the house. Roofs shall be similar in color and pitch to that of the dwelling. Where the roof is pitched, the gutter shall be at the same level as those on the house. Carport ceilings shall be between six and one-half and nine feet above the floor of the carport. The carport's supporting structure shall also match the principal structure on the lot.
- C. For those areas where the "NCc-1" designation appears, premanufactured, flat top, and other carport construction that does not meet the requirements of the NC-c construction requirements shall be allowed so long as the following conditions are met:
  1. All premanufactured carports and any carports utilizing structural steel members or steel pipe shall require design approval by a professional engineer to standards adopted by the New Mexico Construction Industries Division.
  2. All foundation plans for anchoring the carport structure to a permanent foundation must be approved by the department of building safety.
  3. Any carport meeting the standards required in an NC-c district may also be constructed in an NCc-1 district.

(Ord. 1780-2004 § 2, 2004; Ord. 1668-2001 § 2, 2001; Ord. 1664-2001 § 2, 2001; Ord. 1600-99 §§ 2(C) and (D), 1999; Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

#### 17.50.115 - Minimum guidelines for metal buildings.

The following standards shall apply to all metal buildings and metal clad buildings located adjacent or abutting arterial or collector streets within the city of Clovis.

- A. Metal buildings that have a roof line visible to an arterial or collector street frontage (gable front) shall meet the following minimum standards:
  1. Eaves and overhangs must extend at least one foot beyond the sidewall, and be fully trimmed with gutter and down spouts.
  2. For buildings with an eave height of twelve feet or less, there must be a minimum four-foot overhang at the front of the building. For buildings with an eave height of more than twelve feet, there must be an overhang of at least six feet at the front of the building.
  3. All covered porch areas required by this standard must have an overhang of at least one foot at gable overhang.
  4. The roof must have a minimum of a three on twelve pitch, and must have a twenty year color cladding finish.
  5. Each building must have either:
    - a. A brick or stone wainscot, at least thirty-five percent of sidewall height at the front of the building, and on any side of the building that is adjacent or abuts an arterial or collector street; or
    - b. A full stucco facade at the front of the building and on any side that is adjacent or abuts an arterial or collector street.
- B. Metal buildings that have a roof line that is not visible to the street frontage (parapet or mansard) shall meet the following minimum standards:
  1. Eaves and overhangs must extend at least one foot beyond the sidewall and be fully trimmed with gutter and down spouts.
  2. There must be a four-foot covered porch on any arterial or collector street frontage, except above overhead style doors.
  3. Each building must have either:
    - a. A brick or stone wainscot, at least thirty-five percent of sidewall height at the front of the building, and on any side of the building that is adjacent or abuts an arterial or collector street; or
    - b. A full stucco facade at the front of the building and on any side that is adjacent or abuts an arterial or collector street.
- C. In order to promote a variety of building design styles and as a means of providing visual interest and avoiding monotony, repetitive building facade designs are prohibited. Adjacent building facade designs must, at a minimum, differ from one another by at least four of the following eight design options:
  1. Surface material;
  2. Color of building;
  3. Reversed floor plans;
  4. Roofing styles;
  5. Variation and building heights;
  6. Location and shape of windows and doors;
  7. Variations in front porches, walls, etc.;
  8. Variation in front set back. (There must be a minimum five-foot variation.)
- D. Alterations/remodeling of existing structures that result in an increase in square footage less than fifty percent of the total gross floor area shall not be required to meet the design requirements of subsection A above.

(Ord. 1826-2005 § 2, 2005).

#### 17.50.200 - Limited and conditional uses.

Sections 17.50.200—17.50.226 contain or indicate the location of standards governing individual limited and conditional uses, including: common standards for buffering, location, bulk and scale; standards of an environmental nature that apply to open space uses; and standards that apply to individual uses not easily incorporated into a table.

(Ord. 1495-96 § 3(part), 1996).

#### 17.50.210 - Additional limited and conditional use standards.

Sections 17.50.211—17.50.226 contain standards that apply to individual limited or conditional uses, or standards that vary from district to district and could not be summarized in Table 17.30.110.

(Ord. 1495-96 § 3(part), 1996).

#### 17.50.211 - Domestic animals.

This use is limited to the "NCL" district and "NCL-1" district only. No more than one animal units per acre or forty-three thousand five hundred sixty square feet shall be permitted in the NCL-1 district zone.

(Ord. 1660-2001 § 2, 2001; Ord. 1600-99 § 2(F), 1999; Ord. 1495-96 § 3(part), 1996).

#### 17.50.212 - Single-family, detached.

Single-family detached uses in the I district may not be built unless the plans provide for either a home business or cottage industrial use. All such building permits shall be for both the home use and associated residential structure.

*(Ord. 1495-96 § 3(part), 1996).*

17.50.213 - Mobile home and mobile home park.

- A. In districts permitting mobile homes, such units shall be placed on a single-family lot and meet the district's setback standards.
- B. All mobile home units shall be skirted consistent with the character of the mobile home and shall meet the off-street parking requirements.
- C. Mobile home parks shall meet the following additional standards:
  - 1. They shall provide twenty percent open space.
  - 2. A bufferyard having a minimum opacity of 0.40 shall be installed around the entire perimeter of the site.
  - 3. All roads, public or private, shall meet the street standards of the Subdivision Regulations for the City of Clovis.
  - 4. Where a park contains more than eight units, at least two public accesses shall be provided.

*(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).*

17.50.214 - Institutional, neighborhood.

This use shall not be permitted unless the parcel adjoins a residential neighborhood in the RS, NC or R districts. The parcel must provide suitable on-site recreational areas for the use.

*(Ord. 1495-96 § 3(part), 1996).*

17.50.215 - Heavy retail/service.

Within all districts, all exterior storage areas shall be screened with an opaque fence at least six feet high or solid landscaped screen.

*(Ord. 1495-96 § 3(part), 1996).*

17.50.216 - Adult entertainment.

All such uses shall meet the following requirement:

- A. The use may not serve minors, employ minors or allow minors in the building. The entrance shall have a sign stating:  
"Persons under 18 years prohibited from entering. Violators will be prosecuted." in letters at least two inches tall.
- B. The use shall have a valid business license from the city. Should this license not be renewed by virtue of the business serving minors, the city shall hold hearings to revoke the limited use permit.
- C. Signage may not use any visual image that suggests sexual parts or humans.

*(Ord. 1495-96 § 3(part), 1996).*

17.50.217 - Off-site advertising sign.

All off-site advertising signs shall comply with the city sign ordinance (No. 1340-88).

*(Ord. 1495-96 § 3(part), 1996).*

17.50.218 - Home child care.

Home child care uses shall be permitted in the NC, R, RS, MD and UD districts on single-family lots, provided they comply with state regulations.

*(Ord. 1600-99 § 2(G), 1999; Ord. 1557-97 § 2(a), 1998; Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).*

17.50.219 - Airports.

All airports shall contain the sixty-five DNL within the airport boundary or within land zoned I. This delineation shall be determined based on the twenty year airport plan.

*(Ord. 1495-96 § 3(part), 1996).*

17.50.220 - Light industry.

All uses shall meet the following criteria for the districts:

- A. All loading areas shall be accessed from alleys or side yards rather than from public streets.
- B. In the MD district, loading areas shall be screened.
- C. No use shall generate any noise above sixty-five DNL measured outside the building.

*(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).*

17.50.221 - Warehousing and mini-warehousing.

All uses shall meet the following criteria within the respective districts:

- A. All loading areas shall be accessed from alleys or side yard rather than public streets.
- B. In the MD district, the loading areas shall be screened.

*(Ord. 1495-96 § 3(part), 1996).*

#### 17.50.222 - Heavy industry.

All uses shall meet the following criteria within the respective districts:

A. In all districts:

1. The use meets all city sewer waste pretreatment requirements.
2. If the use involves hazardous chemicals (as defined by the Environmental Protection Agency), the relationship to any airport shall be reviewed to see that:
  - a. The use is located to minimize risk of an aircraft accident involving the use.
  - b. The type of process is not likely to have adverse impacts on the airport should a spill or other problem related to the plant occur.
3. Where the adjoining use or zoning is residential, the maximum setback of heavy industry shall be at least three hundred feet.

B. In the UD district, heavy industrial uses shall only be permitted adjacent to existing railroad tracks and another heavy industrial use.

*(Ord. 1495-96 § 3(part), 1996).*

#### 17.50.223 - Christmas tree sales.

This use is only permitted in the RA, RS or NC districts on the site of an institutional use permitted in the district and located on a collector or arterial road.

*(Ord. 1495-96 § 3(part), 1996).*

#### 17.50.224 - Public interest events.

This use is only permitted in the RA, RS or NC district on the site of an institutional use permitted in the district.

*(Ord. 1495-96 § 3(part), 1996).*

#### 17.50.225 - Special events.

Special events shall meet the following standards:

- A. Special events shall not be held on a property more than four times per year.
- B. The special event shall be limited to fourteen successive days.
- C. If deemed necessary by the police department, the property access shall be controlled by special traffic personnel. Prior to receiving a permit, the applicant must provide a written communication from the police department indicating adequate provisions have been made.
- D. The health department shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide a written communication from the health department indicating adequate provisions have been made.
- E. The state of New Mexico CID shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide a written communication from the CID indicating adequate provisions have been made.
- F. Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar events.
- G. The applicant shall provide a written agreement or surety for complete site restoration upon the event's conclusion or should the permit be revoked.

*(Ord. 1495-96 §3(part), 1996).*

#### 17.50.226 - Concrete/asphalt batch plant.

Such uses shall meet the following standards:

- A. No such use shall be located within one thousand feet of an adjoining residential use or zone;
- B. All applicable state and federal regulations.

*(Ord. 1524-97 §2(part), 1997; Ord. 1495-96 §3(part), 1996).*

### Chapter 17.60 - SITE LANDSCAPING AND BUFFERYARD STANDARDS

#### Sections:

#### 17.60.000 - Purpose.

- A. This chapter provides minimum landscaping standards. The bufferyard standards minimize adverse impacts associated with nonresidential uses adjacent to or abutting residential districts.
- B. Up to eighty percent of the adjacent city right-of-way may be used to satisfy the minimum ten percent landscaping requirement.

*(Ord. 1773-2004 §2(F), 2004; Ord. 1495-96 §3(part), 1996).*

#### 17.60.100 - Required landscaping.

A minimum of ten percent of the developed area shall be used for landscaping purposes, except residential uses.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

#### 17.60.200 - Required bufferyards.

A bufferyard/screen shall be provided by any nonresidential use abutting a residential district. Such bufferyard/screen may consist of either a six foot solid fence or solid six foot landscaping and shall be maintained by the owner.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

### Chapter 17.70 - PARKING, LOADING AND LIGHTING REQUIREMENTS

#### Sections:

#### ARTICLE I - PURPOSE

##### 17.70.000 - Purpose.

This chapter provides standards for on-site loading and parking areas for land uses. It also provides standards for lighting of parking areas.

(Ord. 1495-96 § 3(part), 1996).

#### ARTICLE II - OFF-STREET PARKING REQUIRED

##### 17.70.100 - Off-street parking required.

All uses shall be required to meet the off-street parking standards set forth in Tables 17.30.110 and 17.30.111. The following general requirements shall govern off-street parking provisions and maintenance:

- A. Change of Use. Should a lot or building owner or occupant change the use of said lot or building, the new use shall conform with all this title's off-street parking provisions.
- B. Storage Prohibited. Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons and employees of the use to which they are accessory. Storing materials or inoperable vehicles, or parking trucks or trailers, shall be prohibited.
- C. Vehicle Work Prohibited. No major vehicle work of any kind shall be permitted in conjunction with off-street parking facilities.

(Ord. 1495-96 § 3(part), 1996).

##### 17.70.110 - Off-street parking standards.

Tables 17.30.110 and 17.30.111 specify the minimum number of parking spaces required for each use type. When the number of required off-street parking spaces results in a fractional space, round up to the next higher number. If several uses occupy a single parcel or building, the off-street parking and loading requirement shall be the additive total for all the parcel's or building's uses. Uses not listed shall have their parking requirements determined by the planning director based on the most similar use(s) or studies.

(Ord. 1495-96 § 3(part), 1996).

##### 17.70.111 - Off-street parking.

- A. All parking spaces, aisles and turning areas shall be located entirely within the served property's lot lines and shall not encroach on any road, driveway, or other public right-of-way. No parked vehicle shall overhang any road, access driveway or public right-of-way.
- B. Parking or overflow parking may be located off-site or in common parking areas subject to the following rules:
  1. Single-family detached housing shall have a minimum of two off-street parking spaces, not including garage.
  2. Single-family attached homes shall have all parking other than overflow parking on the lot, except townhouses and atrium homes may opt to use off-site parking.
  3. Multifamily dwelling units shall have all off-street parking located within two hundred feet of the building being served. This provision also applies to townhouses or atrium homes that choose to use off-site parking.
  4. For all other uses, all off-street parking shall be located within six hundred feet of the building being served.
- C. Parking lots with sixteen spaces or greater shall be reviewed for adequate access and circulation.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

##### 17.70.120 - Parking stall dimensions.

Table 17.70.120 specifies the minimum horizontal widths for standard parking rows, aisles and modules (also see Figure 17.70.120).

- A. The standard parking space is nine feet by eighteen feet (also see Section 17.70.121).
- B. Parking space length can be reduced to sixteen and one-half feet, including wheel stop, if additional space of one and one-half feet in length is provided for the car's front overhang. The unpaved area shall be planted in groundcover.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

Table 17.70.120

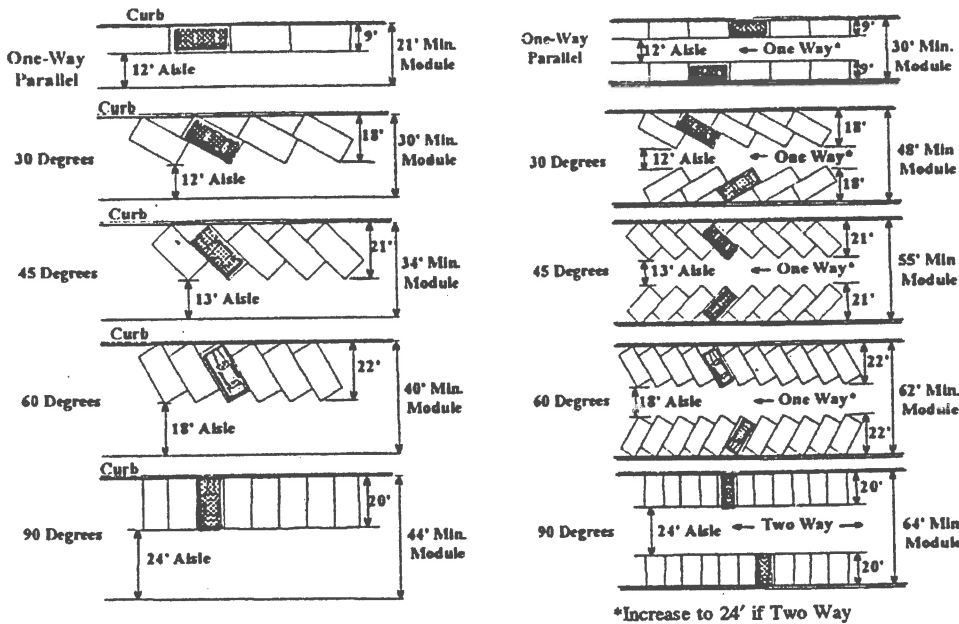
Minimum Horizontal Parking Widths  
for Standard Automobiles

	<u>One- Way</u>	<u>Space Angle (degrees)</u>			
	<u>Parallel</u>	<u>30</u>	<u>45</u>	<u>60</u>	<u>90</u>
<u>Single Row of Parking</u>					
Parking aisle	9'	18'	21'	22'	20'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module (row and aisle)	21'	30'	34'	40'	44'
<u>Two Rows of Parking</u>					
Parking aisle	18'	36'	42'	44'	40'
Driving aisle	12'	12'	13'	18'	24'
Minimum width of module (row and aisle)	30'	48'	55'	62'	64'

Figure 17.70.120

Parking Stall Dimensions Width

SINGLE ROW OF PARKING (one-row aisles)	TWO ROWS OF PARKING
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#### 17.70.121 - Handicap parking.

All uses, other than those residential served by on-lot parking, shall provide parking spaces for motor vehicles which transport handicapped persons in accordance with this section's standards and Table 17.70.121.

Table 17.70.121 Required Number of Off-Street Handicap Parking Spaces

Number of Parking Spaces Provided	Number of Handicap Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
>200	7 plus 1 for each 100 add'l. parking spaces provided over 200

- Handicap parking spaces shall be a minimum of eight feet wide by eighteen feet long with an adjacent parallel access aisle five feet wide. The adjacent parallel access aisle may be shared by two accessible parking spaces. One in every eight accessible spaces shall have an access aisle a minimum of eight feet wide (rather than five feet) and contain a sign stating "Van Accessible."
- Handicap parking spaces shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.
- Handicap parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by handicapped persons, meeting all requirements set by the Americans with Disabilities Act of 1990.
- Residential units designed for occupancy by disabled persons shall provide one handicap parking space for each dwelling unit designed for such occupancy.
- Off-street parking spaces required for the handicapped by this title shall count toward fulfilling this title's total off-street parking requirements.
-

Other title guidelines for handicap accessibility to public facilities shall be in accordance with regulations issued by federal agencies, including the United States Department of Justice, under the Americans with Disabilities Act of 1990. More specifically, these regulations include 28 CFR Part 36 "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Final Rule."

(Ord. 1495-96 § 3(part), 1996).

#### 17.70.130 - Off-street parking design standards.

All off-street parking shall meet the following design standards:

- A. All off-street parking areas shall be designed so that it will not be necessary for vehicles to back out into any road or public right-of-way, except for parking facilities serving single-family residential lots and over-flow parking facilities accommodating less than five vehicles.
- B. Each required parking space, except valet parking spaces, shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, without moving another vehicle.
- C. All off-street parking facilities shall be designed with appropriate vehicular access to a street or alley to minimize interference with traffic movements.

(Ord. 1495-96 § 3(part), 1996).

#### 17.70.140 - Parking and driveway surfaces.

All parking lots and driveways shall be paved with concrete, paving blocks, asphalt, or other all-weather surface and shall meet all requirements of the Americans with Disabilities Act of 1990.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

### ARTICLE III - OFF-STREET LOADING

#### 17.70.210 - Off-street loading standards.

All uses with a gross floor area as specified in this section, which require deliveries or shipments, shall provide off-street loading facilities in accordance with the requirements specified below. Existing buildings, however, shall be exempt from these provisions if installation is impossible. Although access can be taken, alleys can not be used to meet the off-street loading requirements.

- A. Commercial, Industrial and Related Uses. Every commercial retail establishment, restaurant, industrial or manufacturing use, warehouse, wholesale use, freight terminal, hospital or sanitarium, or other similar use having an aggregate gross floor area of six thousand square feet or more shall provide off-street loading facilities as specified in Table 17.30.110
- B. Office, Recreational, Institutional and Related Uses. All office uses; every public assembly use included in outdoor recreational, indoor recreational, institutional residential and commercial lodging; and categories including auditoriums, convention halls, exhibition halls, funeral homes and hotels; with a gross floor area exceeding fifteen thousand square feet, shall provide one off-street loading facility. One additional off-street loading facility shall be provided for each additional one hundred thousand square feet of gross floor area above the use's first one hundred thousand square feet of gross floor area.
- C. Uses Requiring Loading Space Regardless of Size. All liquor stores, warehouses, or other uses served by large trucks shall provide at least one off-street loading facility.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

#### 17.70.220 - Outdoor loading bay area standards.

- A. Dimensions.
  1. Each off-street loading space's minimum area, excluding area for maneuvering, shall be eight hundred square feet. Where semi-trailers are prohibited, the minimum area shall be reduced to three hundred square feet.
  2. Each outdoor loading bay area's minimum dimensions shall be twelve feet wide and twenty-five feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered but not totally enclosed, the minimum height of the outdoor loading bay area shall be fourteen feet.
- B. Maneuvering Space. Adequate off-street truck maneuvering space shall be provided on site and not within any public street right-of-way or other public lands.
- C. Location. All loading areas are required to be located on the same lot as the building or lot served by the loading area.
- D. Blocking Access. Blocking access to loading spaces or parking spaces is prohibited. Permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited from parking, loading or access areas.
- E. Fire Exit or Emergency Access. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

(Ord. 1495-96 § 3(part), 1996).

### ARTICLE IV - EXTERIOR LIGHTING STANDARDS



## 17.70.301 - Applicability.

Sections 17.70.301-17.70.321 shall apply to all uses except as follows:

- A. Public Street Lighting. Public street lighting shall conform to standards set by the State Department of Transportation or the Public Works Department;
- B. Residential uses;
- C. Farmsteads;
- D. Holiday lighting under five watts.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

## 17.70.310 - Exterior lighting plan.

Any time exterior lighting is installed in a parking area or substantially modified, an exterior lighting plan shall be submitted to the planning department to determine whether this chapter's requirements have been met and that adjoining property will not be adversely impacted by the proposed lighting.

(Ord. 1495-96 § 3(part), 1996).

## 17.70.320 - No cut-off lighting standards.

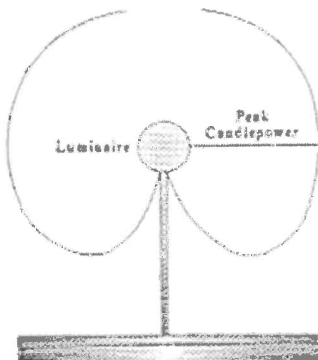
When no cut-off light sources or luminaires are used, these lights:

- A. Shall not exceed forty feet in height;
- B. Shall not exceed the standards of Table 17.70.321 at the property line of a residentially zoned lot;
- C. May have a maximum permitted illumination of 0.75 footcandles on a residential use permitted in the district (see Figure 17.70.320).

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

Figure 17.70.320

No Cut-Off Luminaire



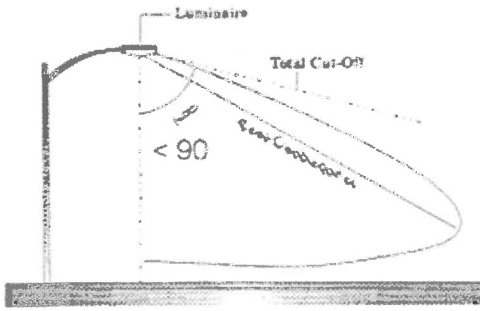
## 17.70.321 - Cut-off lighting standards.

The standards of Table 17.70.321 shall apply when the total cut-off of light is at an angle less than ninety degrees (see Figure 17.70.321) and is located so that the light source is completely shielded from an observer's direct view five feet above the ground at the point where the cut-off angle intersects the ground.

(Ord. 1524-97 § 2(part), 1997; Ord. 1495-96 § 3(part), 1996).

Figure 17.70.321

Luminaire With Cut-Off Less than 90°



Maximum Luminaire Illumination and Height  
(Cut-Off Less than 90°)

Table 17.70.321

<u>Use and District</u>	<u>Max. Permitted Illumination at Property Line (in Footcandles)</u>	<u>Maximum Permitted Height</u>
RA, RS, NC and R districts	0.75	25 ft.
All uses in MD, UD districts	2.00	40 ft.
All uses in I district	2.00	40 ft.



## ARTICLE V. - DEVELOPMENT STANDARDS

### 5.1 - Subdivision.

**5.1.1 Jurisdiction.** Whenever any subdivision of land shall be laid out within the incorporated limits of the Town or within the ETJ, the subdivider or his or her agent shall submit those documents and obtain those approvals required by Section 6.3. Such plans and plats, and any proposed improvements shall in all respects be in full compliance with the regulations of this Land Use Code. All lands offered to the Town for use as streets, alleys, parks and other public use, shall be referred to the Town of Silver City Planning and Zoning Commission for review and recommendation before being accepted by the Town Council or by any other governing authority. Plat approval does not constitute such acceptance. Persons desiring to subdivide land within the ETJ of the Town should be aware that Grant County exercises concurrent subdivision authority over subdivision in such areas under NMSA 1978, §§ 3-20-5 and 3-20-9.

**5.1.2 Availability of Water Resources.** Subdivision approval is contingent upon the Town having adequate water supply, infrastructure, and water rights to provide units in the subdivision water for normal operation and fire protection at current and future levels. The required level for the Town includes a buffer level. If adequate supplies are not available, obtaining adequate supplies may become a condition of subdivision approval.

**5.1.3 Suitability of the Land for Subdividing.** The Town Council shall not approve the subdivision of land if, following thorough investigation by all agencies concerned (e.g. Town Staff, schools, County Staff, State Agencies), it is determined that in the best interest of public health, safety or welfare, the land is not suitable for platting and development purposes of the kind proposed (e.g. topography, or location within the floodplain or an arroyo). If a proposed subdivision is not approved, the reasons shall be in writing and dated and the disapproval verified by the signature of the Mayor.

**5.1.4 Development Standards.** All subdivisions within the Town and the ETJ shall conform to the minimum development standards of this Land Use Code, including without limitation those standards related to the zone district within which the property is located.

#### **5.1.5 Subdivision Design Standards and Layout.**

##### A) *Blocks.*

- 1) The length or shape of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; needs for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography.
- 2) Block lengths of local urban residential and commercial streets shall be no longer than 600 feet. Longer length will be considered if alternative pedestrian access means are presented or master plan standards addressed. For local rural streets, the maximum block length shall be 2,500 feet or the block length required for 30 dwelling units, whichever is less. Additional street design standards such as cul-de-sac lengths are established in Section 5.2.

##### B) *Lots.*

- 1)

The minimum lot area, width and building setbacks shall conform to the requirements of the Land Use Code, including without limitation the requirements of the zoning district in which the property is located.

- 2) Corner lots shall be sufficiently large to assure maintenance of setbacks on both streets.
  - 3) All lots shall abut on a dedicated public street in accordance with the frontage requirements of Table 3.4.2.
  - 4) Depth, width, area and shape of sites or lots for commercial or industrial purpose shall be adequate for off-street service, parking facilities, and landscaping required by the type of use and development contemplated and as specified in the Code.
  - 5) Lots abutting watercourses, drainageways, bluffs, channels or streams, shall have additional minimum width and depth as required by Section 5.6 to provide an adequate building site, drainageway, and easements, and afford the minimum useable area required in the zoning ordinance for front, rear, and side yards.
- C) *Monuments.* Monuments shall be provided for all plats according to the following specifications: All exterior boundary corners of the subdivision, and each corner of each block within the subdivision, shall be defined by permanent monuments. Such monuments shall consist of a metal rod, at least one-half inch in diameter, and at least 18 inches in length, with a permanent cap attached to the top; and the rod set in at least one cubic foot of concrete. The surveyor who sets the corner will have his or her registration number, or name, or both, along with the position of the corner stamped into the cap.
- D) *Street Lighting.* Street lights will be installed by the subdivider in all subdivisions within the municipal boundaries of the Town of Silver City according to the standards in Section 5.12 of this Land Use Code. A street light is required at every intersection and at a minimum of every 300 feet.
- E) *Other Requirements.* The subdivision plat shall comply with all other requirements of this Article and other provisions of this Land Use Code.

#### **5.1.6 Land Dedication and Fees-in-Lieu.**

- A) *Parks, Playgrounds, and Other Public Areas.* Land or money in lieu of land required by this section shall be conveyed to the Town upon approval of the final plat.
- 1) *Land dedication.*
    - a) For each single-family housing unit, or unit in a multiple-family housing development, 0.01 of an acre shall be set aside by the subdivider for public facilities, parks, community gardens, or recreation areas.
    - b) The preliminary plat shall show the area which the subdivider proposes to construct as a park or recreation area, but the Town shall have the right to select another location if, in the sole discretion of the Town, the location proposed by the subdivider is unsuitable.
    - c) Subdividers shall convey to the Town, by unrestricted deed, the area of land required for park or other public facilities as determined above, based on the number of single-family housing units, or units in a multiple-family housing development in the proposed subdivision.
    - d) If the Planning and Zoning Commission determines that more land is needed in a particular subdivision, the subdivider shall sell to the Town, at the market value of the unimproved land, the additional area that is determined to be needed for the park or other public areas to serve the future residents of the land to be subdivided.

- e) Multi-family developments may, with Town approval, retain private ownership and maintenance of such parks, according to the requirements in Section 5.1.8.
- 2) *Fee in-lieu of land.*
  - a) In lieu of such conveyance of land, the Town may require a subdivider to pay to the Town a sum of money equal to the market value of the unimproved land which otherwise would be conveyed.
  - b) The subdivider shall provide and submit to the Town an independent appraisal, completed within the previous 12 months, of the market value of the said unimproved land, to be used as a basis for determining the amount of money to be paid by the subdivider in lieu of deeded land, or by the Town for additional unimproved land. If the appraisal provided and submitted by the subdivider is deemed to be unacceptable by a majority of the Planning and Zoning Commission based on their knowledge of property values, the commission may order the subdivider to provide a second appraisal by a Town-appointed appraiser, which appraisal shall be binding upon the parties.
  - c) Monies accepted by the Town in lieu of conveyance of land for public facilities, parks, community gardens, or recreation areas shall be used toward the creation of or enhancement of a park playground, or community garden in a nearby area.
- B) *Streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way for such streets to meet the demand created by the future residents of the land to be subdivided if necessary to meet the minimum street width requirements set forth in Section 5.2, as follows:
  - 1) The entire additional right-of-way shall be provided where the subdivision is on both sides of the existing street,
  - 2) When the subdivision is located on only one side of the existing street, one-half of the required additional right-of-way shall be provided. In no case shall the resulting right-of-way width be less than 50 feet.
- C) *Individualized Determination.* Following the calculation of land dedications for parks, playgrounds, other public areas, and streets pursuant to subsection (A) and (B) above, the Community Development Director shall conduct an individualized determination to consider whether the amount required fairly reflects the amount of land needed to offset the impact of the proposed development on the Town's parks, playgrounds, other public areas, and streets, using an average impact (not marginal impact) methodology. The individualized determination may be influenced by the anticipated ages of the residents of the development, the number of bedrooms included in residential units, the inclusion of private community park space that could offset some portion of the impact on the Town's park system, or other factors unique to the development. In the absence of special factors that the Community Development Director concludes would lead the development to have a different impact on parks, playgrounds, other public areas, or streets than other developments of the same type and density, the contribution amounts listed above shall govern the required contributions of land. If the Community Development Director concludes that the proposed development would have a smaller or greater impact on the Town's parks, playgrounds, other public areas, or streets that is not adequately reflected in the contributions shown above, the Community Development Director is authorized to increase or reduce those amounts as necessary to accurately offset the impact of the proposed development on the Town's parks, playgrounds, other public areas, and streets.

### 5.1.7 Improvement Standards and Timing.

- A) The proposed plans, specifications and construction drawings covering the construction of improvements on land designated for public use and the installation of utility facilities shall be submitted to the Town Engineer for approval.
- B) No improvements, such as sidewalks, water supply, stormwater drainage, sewage facilities, gas service, electric service or lighting, or grading, paving or surfacing of streets, shall be made within any such subdivision by any owner or owners, or his or her agent, or by public service corporation at the request of such owner or owners, or his or her agent, until the final plat for the subdivision and all plans, specifications and drawings for subdivision improvements have been formally approved by the Town Engineer, the Planning and Zoning Commission, and the Town Council.
- C) The Town Engineer shall have the right to inspect the course of the construction of improvements on land designated for public use and of the installation of the utility facilities and, further, the Town Engineer shall have the right to require construction or installation halted if not in conformance with the approved plans, specifications and drawings and to require the remedy of defects before construction or installation is resumed.
- D) The Town Engineer shall have the authority to agree to changes which deviate from the design and construction standards or from the approved plans, specifications and drawings, or from both, if the changes will not adversely affect the quality of the improvements or of the utility facilities. This authority shall not include the power to agree to a change in location of any surface or above ground improvement or utility facility.
- E) The subdivider shall notify the Town Engineer before starting the construction of improvements on land designated for public use or of the installation of utility facilities. The subdivider shall be required to enter into a Work Order agreement with the Town Engineer, specifying, among other things, definition of the work to be completed and the completion deadlines.
- F) Amendments to Section 5.1.4, following the preliminary approval of the proposed plans, specifications, and construction drawings, shall not affect the approval.

**5.1.8 Privately Developed Facilities.** Where the subdivision is to contain streets, sewage facilities (not including septic tanks), water supply systems, park areas or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the Town and other applicable public agencies, for the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision, and such facilities shall meet the requirements of the New Mexico Environment Department.

#### **5.1.9 Development Agreements.**

- A) In connection with any Major Subdivision or PUD approval, the Town Manager shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of not more than 10 years, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public or the environment. In reviewing and acting upon proposed Development Agreements, review and decision-making bodies shall consider the Approval Criteria for the development application and the following additional criteria:
  - 1) Whether the benefit of the Development Agreement to the Town outweighs its costs;

- 2) Whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
  - 3) Whether the Town has received adequate assurances that the development will go forward as planned in return for any vesting of property rights.
- B) Development agreements may contain but are not limited to the following:
- 1) Descriptions of the acceptable and prohibited uses on the property;
  - 2) The density of proposed uses, including maximum floor area and height of buildings;
  - 3) Provisions for the reservation or dedication of land for public purposes;
  - 4) Proposed schedule for the construction of public improvements and requirements that public improvements will be available prior to the issuance of building permits and water and sewer taps;
  - 5) Proposed timing and phasing of the development project;
  - 6) Provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
  - 7) Provisions for public benefits or improvements in excess of what is required by current Town policy or law;
  - 8) Terms relating to applicant financing of facilities and subsequent reimbursement;
  - 9) Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
  - 10) A provision that construction shall begin by a specified date or that certain phases shall be completed within a specified time; and
  - 11) Termination date for the Development Agreement.
- C) The subdivider shall be required to enter into a Work Order agreement with the Town Engineer, specifying, among other things, definition of the work to be completed and the completion deadlines.

**5.1.10 Completion Guarantee and Fees.** The subdivider shall agree to construct the improvement as required by these regulations, in accordance with the approved construction drawings and standards and within a time specified by the Town or expressed in the Development Agreement. The agreement shall be recorded with the Grant County Clerk. The agreement shall be insured by:

- A) The completion of improvements, except those described in Section 5.1.6(A), and the installation of the utility facilities are required by these regulations before a building permit, or water and sewer tap is issued.
- B) A corporate surety bond or performance bond, satisfactory in form, securing 120 percent of the estimated cost of the actual construction and installation of improvements and utility facilities, within the period of time specified by the Town; or
- C) A deposit, 120 percent of the estimated cost, under an escrow agreement approved by the Town of a sum of money sufficient to pay the full cost of the construction of the improvements and of the installation of the utility facilities. The Town Engineer shall certify to the Town that the amount to be deposited is adequate. The escrow agreement may provide for the release of not more than 90 percent of the funds escrowed as progress payments upon the certification of the Town Engineer that the work to date has been in accordance with the approved plans and specifications



therefore; or the escrow agreement may provide that no funds may be released until all the improvements have been constructed and accepted and until all the utility facilities have been installed and accepted.

- D) As an alternative, and at the discretion of the Town, the subdivider may be provided a method whereby the Town identifies collateral equal to 120 percent of the estimated cost to construct the improvements or install the utility facilities, or any combination thereof.
- E) The subdivider is responsible for all fees associated with the Town's review and acceptance of the Completion Guarantee.

## 5.2 - Streets.

The street standards of this section shall apply to all new streets built within a public right-of-way. Streets in all new major subdivisions, commercial developments and industrial developments shall meet the requirements below. Lots adjacent to streets that have been platted but not constructed may not be developed until new streets are built to these requirements.

**5.2.1** The purpose of this section is to ensure that the arrangement, design, character, extent, width, grade, and location of all streets: (1) shall conform to the Town's Comprehensive Plan; and (2) shall be considered in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and in their appropriate relation to the proposed uses of the land immediately served by such streets and those areas outside of the subdivision which may need to be served by such streets in the future; and (3) provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities. To the maximum extent possible, local streets shall be laid out so as to discourage vehicular traffic through residential neighborhoods, while still providing adequate emergency service.

**5.2.2** To provide information on the capacity of streets serving new development, the Community Development Department may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis that assesses the impacts of the proposed use on existing roads, intersections, and vehicular, pedestrian, and bicycle circulation patterns, and that sets forth mitigation measures to eliminate or substantially reduce such impacts.

**Table 5.2: Required Street Dimensions**

Street Type	Local Streets			Collector Streets		Arterial Streets		
	Residential		Commercial	Urban	Rural	Secondary		Primary Urban/Rural
	Urban	Rural				Urban	Rural	
Minimum ROW	50'	50'	60'	64'	64'	86'	86'	106'
Minimum								

travel lane width:								
Two-way street	10' (2 lanes)	10' (2 lanes)	12' (2 lanes)	11' or 12'* (2 or 4 lanes)	11' (2 lanes)	12' (2 or 4 lanes)	12' (2 or 4 lanes)	
One-way street	16'	16'	16'	N/A	N/A	N/A	N/A	
Curb/gutter widths	6"/18"	*	6"/18"	6"/18"	*	6"/18"	*	
Shoulder width		4'			6'		8'	
Turn lane width*	10'	10'	12'	12'	12'	12'	12'	
Median				*		*	*	
Parking lane width (includes gutter)	7'		9'	7'*				
Bicycle lane width				4'	4'*	4'	4'*	
Sidewalk width* (Verge width)	5'		6' or 8'*	5' (4')	5'* (4')	6' (4')	6'* (4')	
Maximum cul-de-sac length	400'	1,000'	400'					
Maximum grade	12% (14% <300')	12% (14% <300')	7%	10% (12% <500')	10% (12% <500')	7%	7%	6%

Design speed	<u>25</u> mph	<u>25</u> mph	<u>25</u> mph	<u>25</u> mph	<u>25</u> mph	<u>30</u> mph	<u>30</u> mph	<u>35</u> mph
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\*As required (see text). Blank space = Not Required. Article II contains definitions and examples of local, collector, and arterial streets.

**5.2.3** Selection of the appropriate street type and street dimensions from Table 5.2 shall be determined in accordance with standards that follow in this subsection, subject to approval of the Public Works Director. Choices given in Table 5.2 are examples and not exhaustive.

**A) *Applicable Street Types by Zoning District.***

- 1) Rural streets (local, collector, and arterial) are only allowed in the Rural (Ru) zone district and Large Lot Overlay zones.
- 2) Urban (local, collector, and arterial) street types are required in all other zone districts, except where a commercial street type is required, as stated in subsection (3).
- 3) The local commercial street type is required in the commercial zone districts C-HD, C-Lt, C-Hwy.

**B) *Right-of-Way (ROW) and Easements.***

- 1) Street ROW must be sufficient to accommodate functions in addition to the movement of automobiles, including shoulders, graded slopes, drainage, sidewalks, verge, and/or bicycle lanes.
- 2) Additional easements or rights-of-way must be provided for pedestrian walkways and bicycle paths that are not adjacent to roadways.
- 3) ROW width for one-way roads may be reduced to 40 feet upon approval of a dimensional adjustment (see Section 6.3.18(B)(5)).

**C) *Travel Lanes, Turn Lanes, Medians.***

- 1) The number of travel lanes shall be determined based on the street type and function. A traffic study may be required.
- 2) One-way streets may be allowed, subject to a traffic impact study, for local residential and commercial streets.
- 3) Turn lanes, medians and wider travel lanes may be required by the Public Works Director or as indicated by a traffic impact study.

**D) *Curb/Gutter and Shoulders.***

- 1) A 6" barrier curb with an 18" gutter is required on all urban street types. Roll curbs or alternatives to curbs may be allowed on rural streets or on urban streets with approval of the Public Works Director, if adequate drainage measures are provided and adequate separation between street and sidewalk is provided for pedestrian safety.
- 2) Rural streets may be constructed without curb and gutter subject to the approval of the Public Works Director. Streets without curb and gutter shall have shoulders with stabilized surfacing. For collector streets where Average Daily Traffic (ADT) exceeds 2,000, a shoulder width of eight feet is required.

E) *Parking Lanes.*

- 1) Parking lanes shall generally be required on both sides of local urban residential, local commercial, and urban collector streets in order to provide adequate and convenient on-street parking, and to help reduce speeds.
- 2) On urban collector streets, minimum parking lane width is seven feet unless wider lanes are indicated by a traffic impact study.
- 3) On rural residential or collector streets, off-street parking spaces may be provided adjacent to roll curbs within the right-of-way, with a minimum width of eight feet between the curb and sidewalk (if present).

F) *Bicycle Lanes and Paths.*

- 1) Bicycle lanes or paths are not required on local streets. On collector and arterial streets, bicycle lanes are as required by the Bicycle Route Master Plan or Public Works Director.
- 2) Where bicycle lanes are required, they shall generally be located on both sides of the street. Minimum bicycle lane width within a roadway is four feet, and does not include gutter.
- 3) On rural collector streets and urban or rural arterial streets, one off-street bicycle path of ten feet width may be provided to satisfy the bicycle lane requirement. Off-street bicycle paths are preferable along primary arterials.

G) *Sidewalks.*

- 1) Sidewalks shall generally be placed on both sides of a street. Minimum sidewalk width is five feet exclusive of the abutting curb width.
- 2) Sidewalks are not required on rural local residential streets. For rural street types, sidewalks or all-weather paths may be installed alongside roads to the outside of drainage swales, or independent of roads to improve connectivity.
- 3) On local commercial streets, minimum sidewalk width is six feet, except on blocks where the average parcel frontage is 50 feet or less, in which case the minimum sidewalk width is eight feet.
- 4) On collector and arterial streets, sidewalks are required for urban street types, including a four-foot verge (landscaping buffer) between the sidewalk and curb. The minimum sidewalk width on urban arterial streets is six feet. For rural collector or arterial streets, sidewalks may be required as specified by the Sidewalk Master Plan, and may be located independent of street location.
- 5) Sidewalk widths for specific streets are as follows:
  - a. Eight feet on Bullard Street between San Vicente Street and Sixth Street;
  - b. Six feet on Bullard Street between Sixth Street and Ninth Street;
  - c. Eight feet, nine inches on Broadway Street between Bullard Street and Pinos Altos Street;
  - d. Six feet on Broadway Street between Pinos Altos Street and Cooper Street.
  - e. Sidewalks not less than six feet wide may be required by Town staff or the Planning and Zoning Commission to provide circulation in high pedestrian traffic areas, such as schools, playgrounds, churches, shopping centers, transportation, and other community facilities.
- 6) Sidewalks may be located on only one side of a street where there is insufficient right-of-way or topographic constraints, subject to approval by the Planning and Zoning Commission. When allowed only on one side, sidewalks should be located on the north and east sides of the street to facilitate snowmelt.

7) Additional sidewalk design standards are listed in Section 5.4.

H) *Cul-de-sac Lengths, Block Lengths, and Connectivity.*

- 1) Culs-de-sac, designed to be so permanently, shall be provided at the closed end of a street with a turnaround having a right-of-way radius of at least 50 feet, and shall be no more than 400 feet long on urban streets. Cul-de-sac lengths for rural streets shall be no longer than 2,500 feet or the length needed to access 30 dwelling units, whichever is less.
- 2) Block lengths within subdivisions are given in Section 5.1.5(A).
- 3) Where necessary to give access to, or permit satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision, or partition, and the resulting dead-end streets ("street stubs") may be approved without a turnaround.
- 4) The Town may require additional street connections to reduce congestion at access points and to ensure adequate emergency access.

I) *Street Grades.*

- 1) Minimum street grade is 0.3 percent as an average over 300 feet.
- 2) Maximum street grades are set forth in Table 5.2. On local residential streets, grade may be increased to 14 percent over a distance less than 300 feet. On collector streets, grade may be increased to 12 percent over a distance less than 500 feet.

J) *Minimum Street Widths.* All streets shall have allowance for a 16-foot emergency lane.

**5.2.4** Streets and alleys laid out in any development within the Town shall be continuous with and correspond in direction and width to the streets and alleys of the Town's Comprehensive Plan. Where such streets and alleys are not shown in the Comprehensive Plan, the arrangement of streets and alleys shall either:

- A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
- B) Conform to a plan for the neighborhood approved or adopted by the Town's Planning and Zoning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.

**5.2.5** Where a development abuts or contains an existing or proposed arterial street, the Town may require marginal access streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such special treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic. The Public Works Director may require consistency with existing streets or consistency with the minimum width requirements, whichever is greater.

**5.2.6** Where a subdivision borders on or contains a railroad right-of-way, highway, or a natural physical barrier such as an arroyo, the Town may require a street approximately parallel to and on each side of the right-of way, at a distance suitable for the appropriate use of the intervening land, as for park or recreational purposes in residential zones or districts, or for commercial or industrial purposes in appropriate zones or districts. These distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

**5.2.7** Every subdivision and subdivided lot shall be served from a publicly dedicated street. There shall be no private streets platted in any subdivision where lots will be held under separate ownership, unless expressly provided for in this Land Use Code.

**5.2.8** Street jogs with center line offsets of less than 125 feet shall not be allowed.

**5.2.9** A tangent of at least 50 feet long shall be introduced between reverse curves on arterial and collector streets.

**5.2.10** When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet for local and collector streets and for special cases of a greater radius as determined by the Public Works Director.

**5.2.11** Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 75 degrees. An arterial street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection. Other streets shall have at least 50 feet of tangent adjacent to the intersection.

**5.2.12** Property lines at street intersections shall be rounded with a minimum radius of 25 feet. The Planning and Zoning Commission may permit comparable cutoffs or chords in place of rounded corners.

**5.2.13** Half streets shall be prohibited. Whenever a half-width street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract to be subdivided.

**5.2.14** No street names shall be used which will duplicate or be confused with the names of existing streets. Use of suffixes such as "street," "avenue," "place," "court," or similar description shall not be a distinction sufficient to meet this requirement.

**5.2.15** If the tract of land proposed to be subdivided or any part thereof lies adjacent to a highway over which the New Mexico State Highway and Transportation Department has jurisdiction with respect to maintenance and upkeep thereof, and an entrance or entrances are desired from such highway to lots, streets, roadways or alleys in such proposed subdivision, the subdivider shall submit to the Town a written document from the New Mexico State Highway and Transportation Department giving him or her tentative permission to obtain and construct such entrance or entrances.

**5.2.16** All public streets within the corporate limits of the Town shall be improved in accordance with the following guidelines:

- A) Streets shall be surfaced with a minimum of two inches of asphaltic pavement on a crushed aggregate base of not less than seven inches in thickness and of plasticity index no greater than 12. Base thickness may be reduced with a stabilized base of equivalent strength. Subgrade and crushed aggregate base shall be compacted to withstand a loaded ten yard truck with no appreciable deflection.
- B) Curbs and gutters on collector and local streets where required shall not be less than 24 inches in overall width and not less than seven inches thick where gutter abuts the street pavement. A combined curb and gutter, built with a slope of one vertical inch to one horizontal foot shall be used on streets designed to carry the major portion of the runoff of a subdivision or a tapered curb and gutter with crowned or inverted streets 24 inches in width, seven inches thick at pavement, 12 inches thick at curb. Concrete shall develop a minimum comprehensive strength of 3,000 pounds per square inch (psi) in 28 days as determined by test cylinders made and tested in accordance with American Association of State Highway and Transportation Officials (AASHTO).

Minimum cement content shall be 5.5 sacks per cubic yard. Slump shall not be more than four inches and air entrainment shall be five percent, plus or minus one. Failure of two out of three cylinders for any pour shall require the removal of the concrete.

- C) Streets without curb and gutter shall have adequate drainage facilities to carry runoff from road surfaces and adjacent slopes, in accordance with requirements of the Town's Drainage Policy Guide. Shoulders shall be surfaced with a minimum of four inches of stabilized base course or other approved material.

**5.2.17** For subdivisions outside of the corporate limits of Silver City but within the ETJ defined and authorized by New Mexico Statute, NMSA 1978, § 3-20-5, all public streets shall be constructed to the standards specified in preceding paragraphs (5.2.1 through 5.2.16) and this Land Use Code.

**5.2.18 Speed Humps.** Any "speed humps" constructed upon the streets or roadways located within the Town or within the Town's extraterritorial planning and platting jurisdiction and subject to the developmental standards of this Land Use Code shall be placed, constructed, and maintained according to the standards and specifications of the Town of Silver City Municipal Code.

### 5.3 - Alleys.

The alley standards of this section shall apply to all developments submitted for approval under this Land Use Code and to the design of new streets and major reconstructed streets in the town.

**5.3.1** Alleys may be required by the Public Works Director to the rear or side of all lots to be used for commercial or industrial uses or in apartment or multi-family subdivisions.

**5.3.2** Alleys may be provided for vehicular service access to the rear or side of residential properties, for placement of utilities, or for connectivity of bicycle and pedestrian paths.

**5.3.3** Alley intersections and sharp changes in alignment shall be avoided, but where necessary, the right-of-way width of an alley intersection shall be rounded by an arc the minimum radius of which shall be ten feet.

**5.3.4** Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end. Turnarounds shall have a right-of-way radius of at least 50 feet.

**5.3.5** Minimum alley right-of-way width shall be 20 feet. Alleys shall have all-weather surfacing over a minimum width of 12 feet.

**5.3.6** If a drainage channel is constructed in an alley, it shall be designed in accordance with the Town's Drainage Policy Guide, including provisions for erosion control.

### 5.4 - Sidewalks.

The sidewalk standards of this section shall apply to all new streets where sidewalks are required, as shown in Table 5.2. These standards shall also apply to all commercial developments and multi-family developments with eight or more dwelling units on existing urban streets with curbs and no sidewalks.

**5.4.1** Sidewalks shall be constructed along both sides of every new street as indicated in Section 5.2, unless otherwise allowed. In existing neighborhoods with sidewalks, repair, replacement or new segments of less than 150 feet should match existing alignment and width of adjacent or pre-existing sidewalks, provided that the width of any new sidewalk segment is no less than 32 inches. Wherever

possible in repair and replacement of existing sidewalks, sidewalk design should comply with ADA, including sidewalk ramps, widths, and barrier removal. Segments over 150 feet in length must meet requirements for new construction.

**5.4.2** Sidewalks may be placed adjacent to the curb, except where a verge (landscaping buffer) is indicated in Table 5.2.

**5.4.3** Sidewalks shall be constructed of Portland cement concrete at least four inches in thickness and shall slope one-eighth to one-fourth of an inch per foot from the edge of the walk nearest the property line to the edge nearest the street. Concrete for sidewalks shall be in accordance with Section 5.2.16(B). Alternative all-weather surfacing may be used for off-street walking paths with approval of the Public Works Director.

**5.4.4** Sidewalks may be required in subdivisions within the ETJ where this Land Use Code would require a sidewalk if the development were located within the Town and the Planning and Zoning Commission deems them necessary because of the intensity of development or condition of streets.

## 5.5 - Natural resource protection.

New construction shall comply with the following standards, unless compliance with a particular standard would prevent the construction of any permanent structure for a primary use on the land, or require the construction to violate another requirement of this Land Use Code. Where more than one buildable site exists on a parcel and all buildable sites would violate at least one of the following standards, the construction shall be located so as to comply with as many standards as possible. These standards do not create liability on the part, or a cause of action against, the Town, or its officials.

**5.5.1 Hazard Areas.** Land subject to hazardous conditions such as wildfire, land slides, gamma radiation, mud flows, rock falls, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated. Land subject to severe wind and water erosion shall be identified on all plans and shall not be subdivided unless the problems are mitigated by density limitation or some other practical method.

### 5.5.2 Slope Conditions.

- A) *Steep Slopes and Building Limitations.* New structures shall not be built on any portion of any parcel of land that contains an elevation change of more than 20 feet and an average slope of 30 percent or more, as measured from the points with highest and lowest elevation within 25 feet of any portion of the proposed structure, unless the applicant demonstrates by submitting a report sealed by a licensed New Mexico engineer or architect that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard.
- B) *Limitations on Site Disturbance.* Any site disturbances that remove existing vegetation from a property and leave large areas of soil exposed for more than 60 days shall not be permitted unless an erosion control and re-vegetation plan has been previously approved by the Community Development Department. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building, plus a working area of 30



feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities.

- C) *Restoration of Disturbed Areas.* Disturbed areas shall be restored as natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls made of wood, stone, vegetation, or other materials that blend with the natural landscape. Areas disturbed by grading shall be contoured so they can be re-vegetated and shall be re-vegetated within one growing season after construction, using native species similar to those growing on the site when such re-vegetation does not contribute to hazards. Topsoil shall be stock piled and placed on disturbed areas.
- D) *Limitations on Cut and Fill Slopes.* Cut and fill slopes shall not exceed 2.5 feet horizontal to one foot vertical (2.5H:1V) unless sealed by a New Mexico registered engineer familiar with geotechnical engineering.

**5.5.3 Warning and Disclaimer of Liability.** The degree of hazard protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. This section does not imply that land outside hazard areas or uses permitted within such areas will be free from hazards or hazard damages. This section shall not create liability on the part of the Town or on any officer or employee thereof for any hazard damages that result from reliance on this section or any administrative decision lawfully made thereunder.

## 5.6 - Stormwater drainage control.

**5.6.1 Purpose and Intent.** It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding, sediment deposition, or erosion, by provisions designed:

- A) To establish policies, procedures, criteria, and requirements to complement and to support Section 4.1, Floodplain Overlay District Regulations, for the assistance and guidance of officials, staff and all persons and entities within the jurisdiction of the Town.
- B) As to flood control, to prevent the loss or injury to human life, to minimize flood damages to public and private property, and to provide for timely and effective construction and maintenance of flood control facilities.
- C) As to storm drainage, to prevent the creation of public safety hazards and seek to eliminate existing problems, to prevent to the extent feasible, the discharge of storm runoff from public facilities onto private property, prevent the increased risk of flood damage to private property caused by storm runoff from other private property, and to provide for timely and effective construction of storm drainage facilities.
- D) As to erosion and sediment control, to protect the hydraulic capacity and stability of flood control and storm drainage facilities from losses due to sedimentation and degradation; to preserve public health, safety and convenience from jeopardy due to erosion and sedimentation in private and public facilities of all types; and to preserve the quality of the surface runoff.

### 5.6.2 General Administration.

- A) The design, construction, and maintenance of all drainage control, flood control and erosion control facilities within the Town shall be performed in accordance with the procedures, criteria, and standards formulated by the Town Engineer and in accordance with the policies established in

this section. These procedures, criteria, and standards include, but are not limited to, the Drainage Policy Guide formulated by the Town Engineer.

- B) All construction activities within the jurisdiction of the Town, including grading, cut, fill, paving, building construction, and landscaping, shall conform to the requirements of the Town Engineer with respect to drainage control, flood control and erosion control.
- C) A Drainage and Grading Permit from the Town Engineer may be required prior to any grading or construction, as specified in Section 6.3.8.
- D) Fill material and bedding for storm drain facilities shall meet Town Engineer specifications. No rubbish, frozen soil, organic material such as vegetation, or any other material not subject to proper compaction or otherwise not conducive to its stability shall be permitted in fill material.
- E) It shall be the responsibility of the Town Engineer to produce, approve, make and retain records of all drainage plans, drainage reports, design analyses, design drawings, as-built drawings, and maintenance schedules related to all drainage control, flood control and erosion control facilities constructed within Town rights-of-way or easements.
- F) The Town may participate with the private sector, other public bodies and agencies operating within the jurisdiction of this policy in order to accomplish the goals and implement the policies adopted in this section. This includes, but shall not be limited to, the development and adoption of master plans, participation in the construction of projects and exercising control through the planning, platting, zoning, and permitting processes. Projects involving Town funds shall be prioritized, funded and scheduled according to the Town's Capital Improvement Plan (CIP).

### **5.6.3 General Provisions.**

- A) The Town is and shall remain an active participant in the National Flood Insurance Program. The Town endorses the program goal of flood damage reduction through the regulation of development within flood hazard areas and the preservation of floodways. This section is intended to complement and supplement the Floodplain Overlay District regulations and shall be administered in concert with them.
- B) All land within the Town shall be developed with provisions for adequate drainage, flood control and erosion control facilities. The protection of life and property shall be considered the primary function in the planning, design, construction and maintenance of drainage control, flood control and erosion control facilities. Other concerns shall also be addressed, including: channel capacity, watershed characteristics, channel stability, maintenance, transitions between treatment types, multiple use goals, and appearance. The needs of the community in transportation, utility services, recreation, and open space shall be considered in planning, design, construction, and maintenance (especially in the selection of channel treatment measures—i.e., physical alterations of the channel for any purpose). These needs should be considered subsidiary to the primary function of the drainage control, flood control and/or erosion control facility.
- C) Wherever flood control, drainage or erosion control improvements are necessary within dedicated public open space, such improvements shall be designed and constructed in a manner reasonably consistent with the natural surroundings. All construction and maintenance activities in dedicated open space shall be performed so as to minimize the disruption and destruction of vegetation and adjacent land forms. Where such disturbance or destruction is unavoidable, revegetation shall be performed at the earliest practical time by those responsible for such disturbance and/or destruction.

D)

All major facilities shall be constructed within dedicated rights-of-way or recorded drainage easements dedicated to and accepted by the proper public authority.

- E) If minor facilities are constructed on private property, easements or setbacks shall be provided to preserve these facilities until such time as they are no longer needed (e.g. if replaced by a major storm drain system). Minor facilities may be dedicated to the Town if the Town Engineer determines it is in the Town's best interest. A note shall be included on the final plat stating that the owner(s) shall be solely responsible for the operation, maintenance, and liability of drainage facilities unless dedication is provided.
- F) Temporary facilities are only allowed and/or required on a case-by-case basis as determined by the Town Engineer. Design of temporary facilities shall be based upon considerations of: the likelihood and consequences of a failure; the length of time until permanent facilities will be in place; and the acceptance of maintenance responsibilities and legal liabilities.
- G) The design, construction and maintenance of drainage facilities, and the discharges of storm waters to public drainage facilities and waterways shall meet or exceed applicable state and federal standards. Permits may be required for dam safety, water rights, disturbance of wetlands or natural channels, and stormwater runoff quality. The developer is responsible for compliance with state and federal standards. If a permit or other authorization is required, a copy shall be furnished to the Town Engineer.
- H) Subdivisions shall be designed to minimize sheet flow from one lot to another.
- I) The Town Engineer is responsible for establishing criteria, procedures and standards for design and construction of flood control, drainage control and erosion control improvements within the Town. The Town Engineer shall provide for variance from normal criteria and standards; when a variance is required or requested, the Town Engineer shall document the justification for his or her decision and retain as public records such actions and justifications; appeals of the Town Engineer's variance decisions are as provided in Section 6.3.4.

#### **5.6.4 Surface Use of Streets for Drainage and Flood Control Purposes.**

- A) The surface of streets may be used for drainage and flood control purposes, to the extent such use does not interfere with the safe transportation of people and vehicles. The primary use of streets shall be for conveyance of motorized and non-motorized travel.
- B) Limitations on the use of streets for drainage are set forth in the Town's Drainage Policy Guide. More stringent criteria may be required for streets within the State Highway System.
- C) The discharge of nuisance waters to public streets shall be discouraged. Streets shall be protected from flood damages to the pavement and from the safety hazards created by surface flow of nuisance waters across them.

#### **5.6.5 Crossings.**

- A) Drainage structures shall be provided on all streets wherever they are crossed by channels. Such structures shall meet design criteria established by the Town Engineer.
- B) Backwater effects from drainage structures defined as major facilities shall be contained within a dedicated right-of-way or recorded drainage easement.
- C) Channel crossing structures on arterial streets shall be designed to pass the 100-year design storm runoff beneath the road surface.
- D) Channel crossing structures which access new developments, including temporary crossings, shall be constructed at developer expense.

- E) Where feasible, temporary crossings shall be designed so they may be incorporated into the future permanent crossing structure.
- F) Streets in the New Mexico State Highway System shall meet the State's drainage requirements, if more stringent than the Town's.

#### **5.6.6 Channels.**

- A) The Town seeks to preserve pre-development drainage patterns to the extent possible. The use of natural channels for drainage is encouraged. Concentrated drainage flows shall enter and depart from a developed area in the same manner and location as under pre-development conditions.
- B) No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion, or any other means, any public right-of-way, public easement, public property, or public improvements.
- C) Natural and artificial channels shall meet criteria established by the Town Engineer for capacity, erosion control and safety.
- D) A setback, private easement, recorded drainage easement or public right-of-way shall be provided for all channels draining areas larger than two acres, as specified in the Drainage Policy Guide. In the case where a development is within or adjacent to a FEMA-designated flood hazard area, the development shall be regulated under the provisions of Section 4.1.
- E) Channels alongside state highways shall meet safety and other standards of the New Mexico State Highway and Transportation Department.

#### **5.6.7 Financial Responsibility.**

- A) The Town may participate in the construction of permanent flood control and drainage facilities to the extent that public benefits are derived from such construction and consistent with Town capital improvement priorities.
- B) All drainage and flood control facilities which directly result from proposed land use change are the responsibility of the developer. Developer financed facilities include all those within the boundaries of the development, those required for development adjacent to a major arroyo or within a flood hazard area and all temporary and permanent off-site drainage facilities. If the construction of such facilities is a condition of plat approval or building permit issuance, the financial guarantees of such construction satisfactory to the Town Engineer shall also be provided as a prerequisite.
- C) The acceptance of dedicated land for public purposes does not relieve a developer of responsibilities for the construction of drainage control, flood control and erosion control facilities that would otherwise be necessary. The dedication of rights-of-way or easements for drainage control, flood control, or erosion control facilities does not relieve a developer of responsibilities that would otherwise exist for the construction of other public infrastructure.

**5.6.8 Multiple Use Rights-of-way and Easements.** Multiple use is encouraged for drainage rights-of-way and drainage easements including, but not limited to, utility corridors and recreation trails. Where multiple use is planned by the Town, another public agency, or a public utility, the Town may require that dedication statements include language which permits said multiple uses in addition to the primary drainage function. However, land required to be dedicated for drainage rights-of-way shall be limited to those land areas necessary for drainage control, flood control, erosion control and necessary appurtenances.

#### **5.6.9 Maintenance Responsibility.**

- A) Except as otherwise noted, all permanent major facilities shall be maintained by the Town or other public body. The Town Engineer may allow private maintenance within public rights-of-way or easements provided that adequate guarantees and indemnifications are supplied.
- B) The maintenance of multiple use facilities to which the general public is denied access shall be the responsibility of the owners and shall be performed to Town Engineer standards.
- C) Facilities on private land shall be maintained by their owners to Town Engineer standards.
- D) The maintenance of temporary facilities constructed at private expense (except crossing structures on public roads) is the responsibility of the developer until permanent facilities are in place.
- E) The developer shall be responsible for maintaining or replacing temporary crossing structures for a period of three years or until a permanent structure is built, whichever comes first.

#### 5.7 - Public utilities.

**5.7.1** All proposed developments shall have an adequate supply of water to satisfy both drinking water requirements and fire flow requirements as determined by the Town Engineer. All subdivisions shall have water lines stubbed to the perimeter of each lot.

**5.7.2** All major subdivisions approved under this Land Use Code (see Article II, definition of major subdivision) shall be connected to the Town's sanitary sewage disposal system. No application for the town's sewer service shall be approved if there is not adequate treatment capacity in the Town's sanitary sewage disposal system to accommodate the proposed use, as determined by the Town Engineer. All major subdivisions shall have sanitary sewer lines stubbed to the perimeter of each lot.

**5.7.3** All proposed developments shall provide for adequate telephone and electric service for the proposed use. Telephone cable and electric service lines shall be placed underground and said cables or conduits shall be placed within easements or dedicated public ways, in a manner which will not conflict with other underground services. All transformer boxes shall be located so as not to be unsightly or hazardous to the public. This restriction does not cover feeder or trunk lines.

**5.7.4** Other regulations regarding town water and sewer are established in Chapter 52 of the Code of Ordinances.

#### 5.8 - Utility and drainage easements.

**5.8.1** The utility and drainage easement standards of this section shall apply to all subdivisions submitted for approval under this Code of Ordinances.

**5.8.2** Drainage easements shall be provided where necessary as per Section 5.6.

**5.8.3** Utility easements shall be provided where necessary to accommodate existing and/or future utilities, including conduits, electric lines, phone and cable lines, storm and sanitary sewer, gas, and other mains. Easements for future utilities should be located along lot lines and, where needed, shall be not less than five feet wide along interior lot lines and ten feet wide along exterior lot lines. Approval of utility easements by utility providers shall be documented on the subdivision plat.

#### **5.8.4 Exceptions.**

- A) No utility easements are required on lot lines adjacent to alleys or on lot lines where attached buildings are joined.
- B) No new utility easements shall be required for re-subdivisions unless an existing easement is to be moved to a new location and so long as all lots involved in the re-subdivision have access to public utility services.

## 5.9 - Off-street parking and loading regulations.

### 5.9.1 General.

- A) *Applicability.* The off-street parking standards of this section apply (1) to all new buildings and uses, and (2) to the expansion or an enlargement of an existing use. In the latter case, additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (pre-existing plus expansion) shall equal at least 75 percent of the minimum number of spaces established in Section 5.9.2. Shared parking is encouraged.
- B) *No Reduction Below Minimums.* Existing parking spaces may not be reduced below the minimum requirements established in this section.

**5.9.2 Minimum Required Off-Street Parking.** Table 5.9.2 establishes the minimum number of off-street parking spaces to be provided for the various land use categories. These minimums may be reduced through calculations of bicycle parking reductions, motorcycle parking reductions, or shared use reductions established below, and the dimensional adjustment procedure in Section 6.3.18.

Table 5.9.2: Parking Regulations

Use Categories	Minimum Parking Requirements	
	Specific Uses	Minimum Number of Vehicle Spaces (see Section 5.9.3, Measurement Rules)
<b>Residential</b>		
Household Living	Single Family Dwelling Unit (including Manufactured Homes), Duplex and Multi-Family Unit	2 spaces/dwelling unit
	Accessory Dwelling Unit	1 space/dwelling unit
Group Living	Dormitory, Fraternity, Boarding House and Assisted Living Facility	1 space/bedroom
	Treatment Facility (including Nursing Home)	1 space/bedroom
Home Business		2 spaces maximum and requirement for dwelling
<b>Institutional/Civic</b>		
Club/Lodge		1 space/100 sq. ft.

Community Service Center	(Library, Museum, Recreation Center and Senior Center)	1 space/300 sq. ft.
Clinic/Hospital	Hospital	Determined by Parking Study
	All Other (including Medical/Dental Clinic, Rehabilitation Center, Veterinary Clinic [boarding space for animals not to be factored], etc.)	1 space/200 sq. ft.
Child Care	Child Care Center	1 space/300 sq. ft. and 1 drop off space/10 clients
	Family Child Care Center	2 spaces/dwelling unit and 1 space/employee
Detention Facility		Determined by Parking Study
Park and Recreation Facility		Determined by Parking Study
Police and Fire		Determined by Parking Study
Public Assembly		1 space/50 sq. ft. assembly area and 50% of spaces required for accessory uses
Religious Assembly		1 space/50 sq. ft. assembly area and 50% of spaces required for accessory uses
Schools	Elementary and Middle School	1 space/25 students and 1 space/employee and 1 drop off space/30 students
	High School and all other schools	1 space/3 students and 1 space/employee and 1 drop-

		off space/45 students
	University/College	Determined by Parking Study
Utilities		None
<b>Commercial</b>		
Delivery/Dispatch		1 space/300 sq. ft.
Drive-through Service		6 stacking spaces
Entertainment	Indoor Sports	1 space/300 sq. ft. and 50% of spaces required for accessory uses
	Theatre	1 space/4 fixed seats
	All Other (Bar, Dance Hall, Pool Hall, etc.)	1 space/100 sq. ft.
Food Service	Restaurant or Walk-in Service	1 space/100 sq. ft.
	All Other (Catering, etc.)	1 space/300 sq. ft.
Gas Stations		1 space/300 sq. ft. service area and 2 stacking spaces/gas pump/service bay/carwash stall
Lodging		1 space/room and 50% of spaces required for accessory uses
Office	Bank	1 space/200 sq. ft.
	All Other	1 space/300 sq. ft.
Outdoor Market or Sales		1 space/750 sq. ft. display area or 2 spaces/vendor
Retail, General (including Shopping Centers) and	Furniture, Carpet and Large Appliance Stores	1 space/750 sq. ft.



Personal Services	Grocery, Discount and Department Stores	1 space/200 sq. ft.
	Neighborhood Store	1 space/200 sq. ft. and 12 spaces maximum
	All Other	1 space/300 sq. ft.
Self Service Storage		None
Vehicle Sales, Service and Repair		1 space/300 sq. ft. service area and 2 stacking spaces/gas pump/service bay/carwash stall and 1 space/750 sq. ft. vehicle display area
<b>Industrial</b>		
Batch Plant		1 space/500 sq. ft.
Manufacturing Plant		1 space/500 sq. ft.
Warehouse		1 space/500 sq. ft.
Waste-Related Facility		1 space/500 sq. ft.
Mining		Determined by Parking Study
<b>Other Uses</b>		
Agricultural Facility		1 space/500 sq. ft.
Communication Facility		None
Passenger Terminal		1 space/200 sq. ft.

**A) Parking Requirements Special Cases.**

- 1) *Loading spaces.* All uses requiring loading space for normal operations, including restaurants, bars/nightclubs/clubs/lodges, convenience stores, retail sales, manufacturing and production and other industrial services, shall provide an adequate number of loading space areas so that

no vehicles being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, sidewalk, alley, bicycle path or way. A minimum of one loading space of dimensions 15 feet by 25 feet shall be provided, with a maximum of two spaces allowed, except for High Volume Retail, Manufacturing and Production, and Industrial Services, which may provide more than two loading spaces.

- 2) *Silver City Historic District.* Buildings in the Silver City Historic District, as designated in Section 4.2, shall not be required to comply with minimum required off-street parking.
- 3) *Americans with Disabilities Act.* Parking spaces accessible for physically disabled persons shall be provided in compliance with the Americans with Disabilities Act (ADA) Standards for Accessible Design.
- 4) *Bicycle Parking.*
  - a) Bicycle parking spaces shall be located in a convenient and visible area no farther from the principal entrance to the building served than the closest non-ADA compliant automobile parking space. Bicycle supports (racks and posts) shall be securely anchored in concrete. Spaces shall be delineated by striping, curbing, or by other method and protected from damage by motor vehicles by use of bollards, curbs, concrete planters, landscape buffers, or other suitable barrier devices. Bicycle spaces shall not obstruct sidewalks, leaving a clear three-foot passage for pedestrians.
  - b) In any zoning district, where five or more off-street parking spaces are required, a minimum of two bicycle spaces may be provided in lieu of one required automobile parking space as calculated from Table 5.9.2 and limited in accordance with a rate of bike space substitution calculated as follows:
    - i) No more than one vehicle parking space may be waived from the first five required spaces,
    - ii) No more than one vehicle parking space may be waived from the second five required spaces, and
    - iii) No more than one vehicle parking space may be waived per each 20 required spaces in addition to the first ten required spaces.
- 5) *Off-street parking for motorcycles or motor scooters.* Off-street parking may be provided as a substitution for some automobile parking. In any zoning district where ten or more off-street parking spaces for automobiles are required as calculated from Table 5.9.2, a minimum of one parking space for motorcycles may be provided in lieu of one required space for automobiles.
  - a) No more than one vehicle parking space may be waived from the first ten required spaces for automobiles, and
  - b) No more than one parking space may be substituted from each additional 20 required spaces for automobiles.
- 6) *Mixed-use district.* In the MU District, the number of parking spaces for a single property shall be limited to no more than 12 in order to limit the size and intensity of the use.

**5.9.3 Rules for Computing Parking Requirements.** The following rules apply when computing off-street parking requirements.

- A) *Multiple Joint Use Parking.* Lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.
- B)

*Shared Use Parking.* The number of spaces for shared uses may be reduced according to the provisions below:

- 1) The Community Development Director may authorize the shared use of parking facilities for uses or activities when the criteria listed below are met. In no case shall the parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood. A study shall be conducted establishing the needed number of parking spaces based upon:
  - a) A calculation of the number of originally required parking spaces in the project by use types.
  - b) The percentage of maximum parking required by uses that substantially coincide and overlap with each other according to the normal hours of operation of such uses or activities, typically divided into weekday daytime and evening, and weekend daytime and evening.
  - c) Application of the percentages to the originally required parking spaces, and add up the totals for time divisions of, typically, weekday daytime and evening and weekend daytime and evening.
- 2) Shared use parking on or off-site shall be subject to the following limitations and conditions:
  - a) No more than 50 percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
  - b) Shared parking facilities must be located within 600 feet of the uses served.
  - c) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.
  - d) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the Town Attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the County Recorder and a copy thereof filed with the Community Development Department.
- C) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- D) *Area Measurements.* Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.
- E) *Employment and Occupancy-Based Standards.* For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
- F) *Unlisted Uses.* Upon receiving a development application for a use not specifically listed in Table 5.9.2, the Community Development Director shall apply the off-street parking standard specified for the listed use that is most similar to the proposed use. If the Community Development Director determines that the proposed use is unlike any other in Table 5.9.2, in terms of its potential

parking impacts, the Community Development Director may require the applicant to produce a parking impact study, at the applicant's expense, and shall consider such study in determining required off-street parking.

**5.9.4 Location of Required Parking Spaces.** Except as specifically allowed in Section 5.9, or as approved by the Community Development Director in an alternative parking plan, required off-street parking spaces must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within the required street setback, except that parking for single-family and duplex dwellings may be located in residential driveways.

**5.9.5 Parking Area Layout and Design.**

- A) *Parking Area Dimensions.* The dimensions of required off-street parking areas shall be as follows:
- 1) Not more than 20 percent of the required off-street parking may be compact spaces with a width of not less than eight feet and a depth of not less than 16 feet. The remaining parking spaces shall have a width of not less than nine feet and a depth of not less than 18 feet. Structures covering vehicle spaces shall be at least seven feet high. Vehicle parking spaces shall be contained entirely within the property lines.
  - 2) ADA parking spaces shall be sized to comply with the Americans with Disabilities Act Standards for Accessible Design.
  - 3) Bicycle parking facilities typically provide for row parking with a rack or for paired parking using a center inverted U-rack or similar rack post as the anchor. A row will allow a minimum 72 inch length per bicycle parking space and a minimum 18 inch width per bicycle parking space, with 30 inches between outer spaces of posts or racks.
  - 4) Motorcycle spaces shall be at least five feet wide and eight and one-half feet long.
  - 5) Stacking spaces for drive-through facilities shall be a minimum of nine feet wide by 18 feet long.
  - 6) Parking areas should be designed to provide adequate aisle widths between rows of parked cars.
  - 7) Parking spaces that require backing onto the street shall not be allowed in C-Hwy, C-HD, and C-Lt zone districts adjacent to collector or arterial streets.
- B) *Protective Curbing.* Parking spaces abutting an exterior street property line of a parcel where the entrance into the parking space is not from a public street shall be provided with bumper blocks, curbing, wall, hedge or another type of vertical barrier of less than three feet height to prevent vehicles from overhanging into the public right-of-way or over any sidewalk.
- C) *Paving and Striping.* All required off-street parking areas shall have an all-weather surface (e.g. concrete, asphalt, brick pavers or gravel) in accordance with construction specifications of the Town Engineer. Alternative parking area treatments may be accepted as part of an alternative parking plan if it can be demonstrated that the surface can be maintained dust free. ADA spaces and associated aisles shall be paved with concrete or asphalt surface.
- D) *Sidewalks Fronting Medium-Sized Retail Developments.* All developments with a gross floor area of 10,000 to 50,000 square feet in the C-Hwy and C-Lt zone districts and providing retail sales and service shall provide a continuous sidewalk no less than six feet in width along the portion of a building facade fronting a parking lot.
- E)

*Pedestrian Corridors.* All developments providing retail sales and service shall provide a sidewalk no less than six feet in width from the edge of the public right-of-way, or from a line 25 feet from the centerline of an existing local street and 32 feet from the centerline of an existing collector or arterial street where streets are not located in a right-of-way, to a sidewalk along the street. Any sidewalk traversing a parking lot shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete.

**5.9.6 Alternate Parking Plans.** Applicants for developments that are required to provide off-street parking pursuant to this section may request that the Community Development Department approve an alternative parking plan that does not meet the dimensional standards set forth above. The Community Development Department shall be authorized to approve such alternative parking plans if they provide sufficient evidence of adequate parking for the development.

(Ord. No. 1239, 6-9-2015)

#### 5.10 - Landscaping and buffering.

**5.10.1 Purpose.** The intent of this section is to establish standards to protect and enhance the Town's appearance by the installation of appropriate landscaping and screening materials; to maintain and increase the value of land; and to encourage the use of native vegetation and xeriscaping techniques to conserve water usage.

**5.10.2 Requirement to Landscape.** The following types of development are required to provide the following types of landscaping or buffering.

Table 5.10.2: Landscaping Requirements			
Requirement Development	Front Property Line	Parking Lots with 25 or Fewer Spaces	Bufferyard
Multi-Family Residential	X	X	Along boundaries with Single-Family Residential
Manufactured home parks/subdivisions	X	X	Along boundaries with Single-Family Residential
Recreational vehicle parks/subdivisions	X	X	Along boundaries with Single-Family Residential
Commercial	Only for properties fronting designated primary arterials	X	Along boundaries with Single- or Multi-Family Residential

Industrial	X	X	Along boundaries with Commercial, Single- or Multi-Family Residential
PUD	X	For Commercial and Industrial Uses	Along boundaries with any development type that differs from the predominant use in the PUD

(X = not applicable)

**5.10.3 Front Property Line Landscaping.** Front property line landscaping shall include a landscaped strip at least ten feet in depth extending back from the front property line.

**5.10.4 Parking Lot Landscaping.** Parking lot landscaping requirements shall apply only to uses with 25 or more parking spaces, and shall be required in addition to any street frontage landscaping and bufferyard landscaping otherwise required. A minimum of ten percent of the parking area must be landscaped. Landscaped areas shall be protected by raised curbs and shall be a minimum of 150 square feet in size except that parking lot islands shall be a minimum of four feet in width between parallel parking rows and shall run the length of the parking aisle capped at each end by the termination of the island. No parking space shall be located more than 100 feet from a landscaped area.

**5.10.5 Bufferyard Landscaping.** Bufferyard landscaping shall include a landscaped strip at least ten feet in depth extending inward from the side or rear property line along which buffering is required. Where an industrial use borders a commercial use, the width of the landscaping strip shall be increased to 15 feet.

**5.10.6 Required Landscaping Materials and Practices.**

- A) Landscaping required in this section shall include the following trees and/or vegetation per each 25 feet of length, as a minimum:
  - 1) At least one low-water-use tree or other woody plant which is six feet or more in height;
  - 2) At least two shrubs, cacti, perennial flowers, or other herbaceous or woody plants of two to six feet in height when mature; and
  - 3) Fifty percent of the total area in live ground cover.
- B) A maximum of 50 percent of landscaped areas shall be covered by plants requiring irrigation.
- C) Drip watering systems shall be used to water individual plants such as trees or shrubs, except in the case of plants which will rely primarily on rainfall and only require supplemental water initially.
- D) Rock, stone, and mulch covers may be used in areas without live ground cover.

**5.10.7 Bonus for Use of Low-water Vegetation.** Development applicants are strongly encouraged to use only trees and/or vegetation listed on the List of Approved Low-Water and Native Vegetation, maintained in the Community Development Department, to comply with the requirements of this

section. Applicants who use only trees and/or vegetation included on this list shall be permitted to reduce their overall landscaping area requirements by ten percent.

**5.10.8 Alternative Landscaping Plans.** Applicants for developments that are required to install landscaping or buffering pursuant to this section may request that the Community Development Department approve an alternative landscaping plan that does not meet the dimensional or landscaping requirements set forth above. Such alternative plans may include opaque fencing, natural earth berms, or other features designed to buffer uses or improve appearance. The Community Development Department shall be authorized to approve such alternative landscaping plans if they provide an equivalent buffering of different uses or an equivalent improvement in the appearance of the development as seen from the street in front of the property.

**5.10.9 Use of Existing Landscaping.** Existing landscaping may be used to meet the requirements of this section.

**5.10.10 Maintenance.** Landscaped areas shall remain free of invasive or nuisance plants, litter, junk, rubbish and other nuisances and obstructions. To prevent invasive plant growth, erosion and blowing dust, areas not covered by vegetation shall be covered with mulch, wood chips or bark chips, or decorative rocks or cobble, or similar natural materials providing a clean, uniform appearance. All plants shall be maintained in a live and healthy condition.

**5.10.11 Use of Public Right-of-Way.** Unless explicitly stated in this section, no portion of the public right-of-way shall be used to meet landscaping or buffering requirements of this section.

**5.10.12 Landscaping of Exposed Surfaces.** To improve visual appeal and to reduce sediment movement from a site onto neighboring properties, exposed soil surfaces shall be revegetated or otherwise protected from erosion as provided in Section 5.5.2(B).

(Ord. No. 1239, 6-9-2015)

5.11 - Large retail developments.

**5.11.1 Applicability.** The standards of this section apply to any retail sales and service use with a gross floor area of 50,000 square feet or more. All other provisions of this Chapter also apply. When the provisions of this section conflict with other standards of this Land Use Code, the provisions of this section shall control, except that the provisions of the Historic Overlay District supersede the provisions of this section.

**5.11.2 Site Design.** Large retail developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Each development shall provide at least two of the following design features: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature. Each of these features shall be constructed of materials that match the principal structure and be linked to the principal building by pedestrian connections. Each additional 25,000 square feet of gross floor area beyond the initial 50,000 square feet of gross floor area shall require provision of an additional approved feature.

**5.11.3 Setbacks.** The minimum setback for part of a principal or accessory building shall be 35 feet.

**5.11.4 Foundation Landscaping.**

A)

In addition to all landscaping and buffering required by Section 5.10, large retail developments shall provide foundation plantings including at least one tree or shrub every ten feet, contained in a planting strip at least six feet wide, located along the entire length (excluding doorway) of any facade containing a customer entrance, and along the entire length of any side of the building facing a public parking area.

- B) Applicants are strongly encouraged to use only vegetation listed on the List of Approved Low-Water and Native Vegetation, maintained in the office of the Community Development Department, to comply with the requirements of this section. Applicants who use only vegetation included on this list shall be permitted to reduce their foundation landscaping requirements by ten percent.

#### **5.11.5 Pedestrian Circulation.**

- A) Sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public street.
- B) Continuous internal pedestrian walkways, no less than six feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as street crossings and building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, groundcover, or other such materials for no less than 50 percent of its length.
- C) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- D) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

**5.11.6 Parking Lot Orientation.** Parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than 50 percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street.

**5.11.7 Building Design.** The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

- A) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.
- B) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length.
- C) Parapets shall conceal flat roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not exceed, at any point, one-third of the height of the supporting wall.



Such parapets shall feature three-dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

- D) Overhanging eaves, extending no less than three feet past the supporting walls, shall be incorporated along no less than 30 percent of the building perimeter.
- E) At least 50 percent of exterior building wall areas shall be surfaced with brick, wood, sandstone, other native stone, or tinted, textured, concrete masonry units. No more than 50 percent of building wall area shall be surfaced with smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels.
- F) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- G) Building trim and accent areas may feature brighter colors, including primary colors.
- H) All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.
- I) Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three items from the following list: (1) canopies or porticos, (2) overhangs, (3) recesses/projections, (4) arcades, (5) raised corniced parapets over the door, (6) peaked roof forms, (7) arches, (8) outdoor patios, (9) display windows, (10) architectural details such as tile work and moldings which are integrated into the building structure and design, or (11) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

#### 5.12 - Exterior lighting.

**5.12.1 Purpose.** The intent of this section is to protect and promote the public health, safety and welfare, the quality of life and the ability to view the night sky by providing standards to minimize the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. The goal is to ensure that exterior lighting meets the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood should be examined considering the light source, level of illumination, hours of illumination, and the need for illumination in relation to its effects on adjacent property owners and the neighborhood.

#### 5.12.2 Applicability.

- A) *Residential and Non-residential Development.* All development shall comply with the standards set forth in this section, as well as the IBC and the State of New Mexico Electrical Code. For residential developments with more than four lots and non-residential developments, the developer shall submit a proposed exterior lighting plan. This plan must be submitted concurrently with the subdivision application or the site plan. The exterior lighting plan shall include plans and specifications for street luminaires, parking lot luminaires, and exterior building luminaires. The specifications shall include details of all proposed luminaires including the pole, fixture height and design, lamp type, wattage, lumen output, degrees of Kelvin (color of the light) and spacing of luminaires. The applicant shall provide enough information to verify that lighting conforms to the provisions of this section. The Community Development Director, Planning and Zoning Commission and/or building inspector shall have the authority to request additional information in order to achieve the purposes of this section.

B)

*Definitions.* Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

*Average Footcandle.* The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

*Ballast.* A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

*Building Inspector.* The Town of Silver City Building Inspector.

*Bulb.* The source of electric light. To be distinguished from the whole assembly (see luminaire).

*Candela (cd).* Unit of luminous intensity.

*Ninety (90) Degree Full Cut-off Type Fixtures.* Fixtures that do not allow light to escape above a 90 degree angle measured from a vertical line from the center of the lamp extended to the ground,

*Existing Lighting.* Any and all lighting installed prior to the effective date of this section.

*Exterior Lighting.* Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this section.

*Fixture.* The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and the attachment parts.

*Flood Light.* Light that produces up to 1,800 lumens and is designed to "flood" a well defined area with light. Generally, flood lights produce from 1,000 to 1,800 lumens and are typically mercury vapor, metal halide or low- or high-pressure sodium.

*Flux (radiant flux).* Unit is erg/sec or watts.

*Footcandle.* One footcandle is the amount of illumination the inside surface of a one-foot radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot. Footcandle is abbreviated ftc.

*Full Cut-off Fixtures.* Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixtures, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted and no light is emitted on the sides.

*Glare.* Light that results in discomfort and/or a reduction of visual performance and visibility.

*Holiday Lighting.* Festoon type lights, limited to small individual bulbs on a string, where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than 15 lumens.

*Illuminance.* Density of luminous flux incident on a surface. Unit is footcandle or lux.

*Lamp.* The source of electric light; the bulb and its housing. To be distinguished from the whole assembly (See "Luminaire").

*Light.* The form of radiant energy acting on the retina of the eye to make sight possible; brightness; illumination; a lamp as defined above.

*Light Pollution.* Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

*Light Trespass.* Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

*Lighting.* Any or all parts of a luminaire that function to produce light.

*Lumen.* A unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter. Traditional incandescent lamps produce between 17 and 20 lumens per watt. Fluorescent lamps produce approximately 90 lumens per watt.

*Luminaire.* The complete lighting unit, including the lamp, the fixture and other parts.

*Mercury Vapor Lights.* Mercury vapor lights are a type of high density lamp and are prohibited.

*Non-essential.* Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes. Example: for purposes of this section, lighting for a business sign is considered essential during business hours, however, it is considered non-essential once the business is closed.

*Partially Shielded.* The bulb of the fixture is shielded and the bulb is not visible at all. The top must be completely opaque to prevent uplighting above a 120 degree angle measured from a vertical line from the center of the map extended to the ground. The bulb or bulbs may produce a maximum of 1,000 lumens, measured as if the bulb were exposed, not measured through the glass or siding.

*Recessed.* When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

*Shielded.* When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture and no light is emitted from the side of the fixture. Also considered a full cut-off fixture.

*Temporary Lighting.* Lighting that is intended to be used for a special event for seven days or less.

*Unshielded.* The bulb of the fixture is shielded by a clear or translucent siding and the bulb may be visible. The top must be completely opaque to prevent uplighting above a 120 degree angle measured from a vertical line from the center of the lamp extended to the ground. The bulb or bulbs may produce a maximum of 330 lumens, measured as if the bulb were exposed not measured through the glass or siding.

*Uplighting.* Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

- C) *Design Standards.* All exterior lighting, including public street lighting as applicable, shall comply with Illumination Engineering Standards and meet the following design standards:
- 1) All exterior luminaires, including street luminaires and parking area luminaires, shall be full cut-off fixtures of at least 90 degree full cut-off type fixtures. Street luminaires shall be high pressure sodium, low pressure sodium, or metal halide, unless otherwise determined by the Town Council that another type is more efficient. Street luminaires along residential streets and parking lots shall be limited to a 100 watt high pressure sodium (hps) light, an equivalent of 8,000 lumens. Street luminaires along nonresidential streets or at intersections shall be limited to 200 watts hps, and equivalent of 22,000 lumens. Street luminaires along state highways shall be limited to a 400 watt hps, and equivalent of 50,000 lumens. If the Town Council permits a light type other than high pressure sodium, then the equivalent output shall be the limit for the other light type (See table). For example: a 100 watt high pressure sodium lamp has a roughly equivalent output as a 55 watt low pressure sodium lamp, or a 100 watt metal halide lamp.
  - 2) No flickering or flashing lights shall be permitted, except for temporary holiday decorations.
  - 3) No exterior luminaires shall emit blue-white color in excess of 3,000 Kelvin.
  - 4) Parking lots and other background spaces shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people, property and public health. Parking area luminaires are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall be not be used to light all or any portion of a building facade between 10:00 p.m. and 6:00 a.m.
  - 5) All exterior luminaires must have an on/off switch controlled by the property owner.
  - 6) All non-essential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor-activated lights are encouraged to replace existing lighting that is desired for security purposes.
  - 7) Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property or into roadway.
  - 8) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and with the historical character of the site, if located within a historic district.
  - 9) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.
  - 10)

Street lighting shall be installed by the developer with nominal spacing of one light fixture every 300 linear feet, unless an alternative lighting plan is approved.

D) *Height Standards for Lighting.*

- 1) In the Ru, RA, RB-1, RB-2, RC, MU and C-HD zone districts, where power lines are buried, light fixtures or luminaires shall be mounted on concrete or painted metal poles no higher than 15 feet above the ground.
- 2) In the C-Lt, C-Hwy, I, and PUD zone districts, light fixtures shall be mounted on concrete or painted metal poles or on buildings, and shall be mounted no higher than 25 feet above the ground.

E) *Canopy Lights.* All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

F) *Flag Poles.* Upward flagpole lighting is permitted for governmental flags only, and provided that the maximum lumen output is 1,300 lumens. Flags should be taken down at sunset to avoid the need for lighting.

G) *Glare onto Surrounding Residential Properties.* Residential luminaires must be mounted such that any backlight glare or uplight glare points inward to the property at the property line. The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 vertical footcandles at the residential property line.

H) *Landscape Lighting.* Lighting of vegetation shall be in conformance with this section. Uplighting is prohibited. All landscape lights shall be shielded.

I) *Service Stations.* The average footcandle lighting level for new and existing service stations is required to be no greater than 30 footcandles.

J) *Temporary Lighting.* Temporary lighting that conforms to the requirements of this section shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Community Development Director only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and 3) the duration of the temporary non-conforming lighting. The applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the Community Development Director. The Director shall provide written notice of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period of not less than ten days after mailing of the notice and prior to final action on said request.

K) *Towers.* All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

L) *Uplighting.* Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and a New Mexico licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as a specifically permitted in this section.

M) *Exemptions.*

- 1) *Outdoor recreational uses.* Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses are exempt from the exterior lighting standards set forth in

subsections (A) and (C) above and shall only be required to meet the standards set forth in this subsection (M):

- a) Maximum permitted light post height: 80 feet.
- b) Limits on cutoff angle: Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees, provided that the luminaries are shielded to prevent light and glare spill over to adjacent residential properties.
- c) Maximum permitted illumination at the property line: two footcandles.
- d) Limits on hours of illumination: exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m. unless otherwise permitted.

2) *Common household yard lights.*

- a) Exterior luminaires that have a maximum output of 330 lumens, regardless of type or number of bulbs, may be unshielded provided the fixture has an opaque top to keep light from shining directly up or cause light trespass onto the property of another. Lumen amount is measured from the exposed bulb, not through any glass or siding; or the lumen amount is garnered from the bulb specifications or packaging. See Table for acceptable bulbs and wattages.
- b) Exterior luminaires that have a maximum output of 1,000 lumens, regardless of type or number of bulbs, shall be partially shielded, provided the bulb is not visible, and the fixture has a top to keep light from shining directly up. Lumens are measured from the exposed bulb, not through any glass or siding; or, the lumen amount is garnered from the bulb specifications or packaging See Table for acceptable bulbs and wattages.
- c) Exterior flood or high density lamps with an output in excess of 1,000 lumens shall have external shielding and may be angled such that no light escapes above a 25 degree angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. shall be used for any flood or high density yard lamp that may emit uplight or side light that trespasses onto another's property.
- d) Holiday lights only as defined in this section are exempt from the requirements of this section for the two and one-half month period from November 1 to January 15, except that flashing holiday lights are prohibited on commercial properties. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of businesses.
- e) Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- f) Vehicular lights and all temporary emergency lighting needed by the fire and police departments, or other emergency services shall be exempt from the requirements of this chapter.

N) *Alternative Lighting Plans.* Alternative lighting plans must demonstrate due diligence with respect to public safety, public health, lighting saturation, shaded areas, dark sky and horizon, etc.

Table 5.12

## Outdoor Luminaires

Light Bulb Type	Watts	Lumens	Shielding Requirement
Incandescent	0—15	1—110	Unshielded, up to 3 bulbs
	16—25	110—150	Unshielded, up to 2 bulbs
	<u>26</u> —45	150—450	Partially shielded, up to 2 bulbs
	<u>46</u> —65	450—750	Partially shielded, only 1 bulb
	66+	750+	Fully shielded
CFL	0—9	0—500	Partially shielded, up to 2 bulbs
	10—14	500—900	Partially shielded, only 1 bulb
	<u>15</u> +	900+	Fully shielded
Halogen	0—25	0—300	Unshielded, only 1 bulb
	<u>26</u> —35	300—450	Partially shielded, up to 2 bulbs
	<u>36</u> —60	450—950	Partially shielded, only one bulb
	61+	950+	Fully shielded
Fluorescent	0—8	0—475	Partially shielded, up to 2 bulbs
	9—13	475—1,000	Partially shielded, only 1 bulb
	14+	1,000+	Fully shielded
LED	0—4	0—120	Unshielded, up to 3 bulbs

	5— 16	120— 500	Partially shielded, up to 2 bulbs
	16+	500+	Fully shielded
HID: HPS, LPS, Metal Halide	All	All	All fully shielded

Street and Parking Luminaires			
Light Bulb Type	Watts	Lumens	Location Restrictions (All Luminaires Shall be Fully Shielded)
Low Pressure Sodium	0— 18	0—1,800	Allowed along all streets
	<u>19</u> — 35	1,800— 4,725	Allowed along all streets
	<u>36</u> — 585	4,725— 7,925	Allowed along nonresidential streets or intersections
	56— 90	7,925— 14,400	Allowed along state highways and major intersections
	91+	14,400+	Not allowed
High Pressure Sodium	0— 35	0—2,250	Fully shielded, allowed along all streets
	<u>36</u> — 40	2,250— 4,000	Fully shielded, allowed along all streets
	<u>41</u> — 70	4,000— 5,800	Fully shielded, allowed along all streets
	71— 100	5,800— 8,000	Allowed along nonresidential streets or intersections
	101— —	8,000— 16,000	Allowed along state highways and major intersections



150		
151 — 200	16,000— 22,000	Allowed along state highways and major intersections
201 — 250	22,000— 27,500	Allowed along state highways and major intersections
251 — 400	27,500— 50,000	Not allowed
400 — 750	50,000— 110,000	Not allowed
751+	110,000+	Not allowed

(Ord. No. 1239, 6-9-2015)

#### 5.13 - Solar Rights Act.

All applicants should be aware of and comply with pertinent portions of the provisions of the Solar Rights Act of the State of New Mexico (NMSA 1978, §§ 47-3-1 to 47-3-12).

#### 5.14 - Performance standards.

**5.14.1** No development shall create odor, vibration, noise, glare, electrical interference, or fluctuation in voltage that is perceptible beyond the property lines.

**5.14.2** Temporary recreational and entertainment events, such as concerts, operating under valid Zoning Permits obtained in accordance with Sections 3.3.3 and 6.3.21, shall be exempt from the noise restrictions of this section for the duration of the Zoning Permit.

#### 5.15 - Signs.

**5.15.1 Purpose.** The sign regulations of this chapter are intended to promote traffic safety and to enhance the visual appearance of the Town.

**5.15.2 General Standards for All Signs.** The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

- A) *Permits Required.* Permits shall be required for all new signs and for alterations to existing signs that include altering the sign size, area, and/or height. Permits are not required for exempt signs listed in Section 5.15.9 or for alterations to existing sign faces by painting, overlay, or change of message or design.

- B) *Location.* All signs shall be located on the same parcel as the use to which they are associated, unless the signs qualify as off-premise signs under Section 5.15.6.
- C) *Sign Measurement.* The total surface area of all on-premise and off-premise signs on a parcel shall be counted in determining the maximum total surface area allowance. Signage is determined by parcel, unless the businesses on a parcel are detached, in which case, signage may be calculated according to the individual lot upon which the business is located. Sign height is measured as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is defined as the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. Street frontage on a corner parcel is measured linearly as the total frontage on all streets.
- D) *Wind Load Standard.* All exterior signs shall be engineered to withstand a minimum wind load of 9.5 pounds per square foot.
- E) *Illumination.* The light from any illuminated sign shall be shielded and directed so that the light intensity does not generate glare onto nearby adjacent residential areas or into roadways or directly upward. All service lines to signs shall be located underground.
- F) *Clear-sight Triangle.* To ensure traffic safety, signs shall not impede the clear-sight triangle (see section 2.2, Definitions).
- G) *Dangerous Signs.* No property owner shall retain on any premises any sign which is in a dangerous or defective condition. In cases of immediate danger to the public due to the defective nature of a sign, the Community Development Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.
- H) *Obsolete Signs.* Signs that identify businesses, goods, or services no longer provided on the premises shall be removed within 30 days after the business or occupancy ceases.
- I) *Addresses.* At least one sign on each parcel shall prominently display the address of the parcel, with the exception of off-premise signs.

**5.15.3 Ru Zone District.** Signs shall be allowed in the Ru Zone District pursuant to the following standards.

- A) *Sign Type and Size.* Flush wall signs, roof signs, projecting signs, and free-standing signs are permitted. Off-premise signs are not allowed. For each parcel, no more than three signs, one of which may be a free-standing sign, shall be permitted for each street frontage. No single sign shall exceed 80 square feet in area. If building-mounted, the sign shall be flush-mounted. The maximum total surface area allowed is 80 square feet per parcel.
- B) *Location.* Permitted signs may be located anywhere on the premises.
- C) *Height.* The height of free-standing signs shall not exceed 20 feet. Roof and projecting signs shall not extend more than two feet above the height of the wall, roof, or facade to which they are attached.

**5.15.4 RA, RB-1, RB-2, RC and MU Zoning Districts.** Signs shall be allowed in the RA, RB-1, RB-2, RC and MU zoning districts pursuant to the following standards.

- A) *Sign Type and Size.* Flush wall signs, projecting signs, and free-standing signs are permitted. Off-premise signs are not allowed. One identification sign shall be allowed for each institution, subdivision, commercial business, or multi-family building or complex, provided that such sign

shall not exceed 24 square feet in area. Home businesses shall be allowed one sign, provided that such sign shall not exceed six square feet in area.

- B) *Location.* Permitted signs may be located anywhere on the premises.
- C) *Height.* The height of free-standing signs shall not exceed eight feet. If building-mounted, the sign shall be flush-mounted and shall not be mounted on a roof of the building or project above the roof line of the lowest roof.

**5.15.5 C-HD, C-Lt, C-Hwy, I, and PUD Zoning Districts.** Signs shall be allowed in the C-HD, C-Lt, C-Hwy, I, and PUD zoning districts, exclusive of the Silver City Historic Overlay District which is covered by Section 4.2, pursuant to the following standards.

- A) *Sign Type.* Flush wall signs, roof signs, projecting signs, and free-standing signs are permitted pursuant to the following standards.
  - 1) For a parcel with 300 linear feet or less of street frontage, no more than three signs are allowed per parcel. Only one of the on-premises signs may be a free-standing sign. Only one sign may be an off-premises sign, whether free-standing or attached to a wall.
  - 2) For parcels containing more than 300 linear feet of street frontage, two additional signs are allowed per each 300 linear feet of street frontage, according to the maximum area limitations set forth in paragraph (C) below. No more than two on-premises, free-standing signs and one off-premises sign, whether free-standing or attached to a wall, are allowed per parcel.
- B) *Location.* Permitted signs may be located anywhere on the premises except as specifically restricted in this section.
- C) *Size.* Total square footage of sign area, including off-premises signs, shall not exceed the limits in this section. For a parcel with 300 linear feet or less of street frontage, the maximum total surface area of all signs shall not exceed 500 square feet per parcel. For parcels containing more than 300 linear feet of street frontage, an additional 250 square feet of total sign surface area is allowed per each additional 300 linear feet of street frontage for a maximum total sign surface area of 1,000 square feet. No single sign may be larger than 200 square feet. Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.
  - 1) *Flush wall signs and roof signs.* Up to two square feet of sign area shall be allowed for each linear foot of building facade. Signs may be attached to any facade facing a street.
  - 2) *Projecting signs.* Up to one-half square foot of projecting sign area shall be allowed for each linear foot of building facade. Projecting signs may project up to six feet from the face of the building if located eight feet or more above normal grade, but shall not project beyond the back of curb.
  - 3) *Free-standing signs.* Up to one square foot of free-standing sign area shall be allowed per linear foot of street frontage on the parcel. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.
- D) *Height.* Flush wall signs, roof signs, and projecting signs shall not extend more than two feet above the height of the wall, roof, or facade to which they are attached.
  - 1) *Highway Business District.* Free-standing signs shall not have a total height greater than 35 feet. The Highway Business District consists of all commercial properties located within 300 feet of the US Highway 180 East right-of-way east of Swan Street and all commercial properties located within 300 feet of the NM Highway 90 South right-of-way south of Ridge Road.
  - 2)

*All other C, I and PUD zoning districts.* Free-standing signs shall not have a total height greater than 20 feet.

- E) *Multiple-occupancy Building or Shopping Center.* One on-premise, free-standing area identification sign is allowed per parcel, according to the requirements in paragraph (C)(3) above. One off-premise sign, whether free-standing or attached to a wall, is also allowed per parcel. Each individual business is allowed a separate wall, projecting or roof sign for occupant identification, according to the requirements in (C)(1) and (C)(2) above, with no single sign larger than 200 square feet in size. The maximum total sign surface area is calculated according to paragraph (C) above. A scaled Master Signage Plan showing all business facades, parcel frontage(s), and existing and proposed signs is required. This Master Signage Plan will be filed in the Community Development Department and used to determine approval of existing and future signs.
- F) *PUD Zone Districts.* The PUD zoning district shall include only those types of signs permitted in other districts of corresponding use type and shall not exceed the total sign area allowances applicable to those zoning districts, but the maximum sign allowance for the entire development may be aggregated and the total allowance redistributed.

**5.15.6 Off-Premise (Outdoor Advertising) Signs.** A maximum of one off-premise sign erected on the ground or affixed to a wall shall be allowed per parcel of land only in the I and C zoning districts, subject to the following conditions.

- A) *Height.* Any off-premise sign shall follow the same height requirements allowed for the zone in which it is located, as per Section 5.15.5(D).
- B) *Size.* Up to one square foot of free-standing sign area shall be allowed per linear foot of street frontage on the parcel. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage. No off-premise sign shall have a sign area exceeding 200 square feet.
- C) *Spacing.* For each square foot of surface or facing of the sign, two feet of space from adjacent off-premise signs shall be maintained.
- F) *Pre-existing Billboard Signs.*
  - 1) Any off-premise sign whose single face square footage exceeds 200 square feet erected prior to January 12, 1999, shall be allowed to continue in operation for a period not longer than 12 years from the January 12 date and shall thereafter cease to display commercial or non-commercial messages and both the sign and any independent support structure shall be removed upon request of the Town Council.
  - 2) Any off-premise sign whose single face square footage exceeds 200 square feet erected without a sign permit at any time subsequent to January 12, 1999, shall be removed within 90 days of the passage of this provision of the Lane Use Code.

#### **5.15.7 Temporary Signs.**

- A) *Size.* Unless otherwise specified in Section 5.15.9, temporary signs shall be counted towards the limits of the number of signs allowed and in the total square footage limits of sign area allowed as established in Section 5.15.
- B) *Time Limits.* Unless otherwise specified in Section 5.15.9, temporary signs or banners may be erected to publicize a commercial event or to advertise a temporary sale, for a period not to exceed 30 days, provided that they are removed by the owner within three days after the event.

Temporary signs or banners may be erected to publicize a non-commercial event, such as a public parade, event, celebration, or election, for a period of 60 days prior to the event, provided that they are removed by the owner within seven days after the event.

- C) *Portable Sandwich Board Signs.* Portable sandwich board signs may be placed upon a public sidewalk or a private sidewalk or parking lot within the C-HD and C-Lt Zoning District, subject to the following restrictions:
- 1) A portable sandwich board sign cannot exceed 24 inches by 30 inches.
  - 2) Written permission must be secured from the owner of a business in front of which a portable sandwich board sign is proposed.
  - 3) A fifteen-foot space shall be maintained between all portable sandwich board signs.
  - 4) Portable sandwich board signs shall not be affixed to utility poles.
  - 5) Portable sandwich board signs shall not be placed in a clear-sight triangle consistent with Section 5.15.2(F).
  - 6) Portable sandwich board signs shall not be placed in or adjacent to any ADA access points.
  - 7) Portable sandwich board signs must be made primarily of wood, metal, or rigid dry erase plastic, or similar materials and must have a professional finish.
  - 8) A four-foot travel width must be maintained on sidewalks.
  - 9) Sandwich board signs are not permitted in rights-of-way overnight; other than this restriction, there is no time limit imposed.
- D) *Banners.* Banners, consisting of a strip of cloth or synthetic material that displays or projects a message for an event or product, shall be permitted subject to the following restrictions:
- 1) Banners displayed by a business in C-Hwy, C-Lt, and C-HD zone districts shall be attached to a building facade, wall or a secure pole on the property. Businesses are limited to one banner per business.
  - 2) Banners publicizing a non-commercial event, such as a public parade, event, celebration, or election, may be erected from light posts or other structures in the public right-of-way or on private property.

**5.15.8 Prohibited Signs.** The following signs shall be prohibited for all zone districts:

- A) *Obscenity.* Signs that contain statements, words, or pictures of an obscene or indecent nature. Obscene or indecent material is material that depicts uncovered human sexual organs or female breasts or the touching of covered human sexual organs or female breast, or that depicts human or animal sexual activity or that includes words commonly used as insults or epithets, including those pertaining to gender, race, religion, cultural heritage or sexual orientation.
- B) *Traffic Safety Confusion.* Signs that are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- C) *Public Property.* Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as may otherwise expressly be authorized by this section.
- D) *Unauthorized Private Use.* Unauthorized signs designating public property for private use.
- E) *Moving Signs.* Sign with moving components or flickering or flashing lights.
- F)

*Movable Signs.* Signs that are portable, fixed on a movable stand, self-supporting without being firmly embedded in the ground, mounted on wheels or movable vehicles, or made easily movable in any manner, shall be prohibited, except for temporary sandwich board signs and banners addressed in Section 5.15.7 and exempted signs listed in Section 5.15.9.

**5.15.9 Exemptions.** The following types of signs are exempt from regulation to the extent stated.

- A) *Safety and Information Signs.* Signs erected by or on the order of a public officer in the performance of their duty.
- B) *Integral Signs.* Names of buildings, dates of erection, monument citations, and the like when carved into stone or similar material or made of metal and made an integral part of the structure.
- C) *Directional Signs.* Signs directing traffic movement into a premise or within a premise, not exceeding five square feet in area for each sign, and horizontal directional signs on and flush with paved areas regardless of size.
- D) *Nameplates.* Nameplate, not exceeding two square feet in area containing only the name of the resident, title of person, address, name of building and name of agent as applicable.
- E) *Holiday Decorations.* Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
- F) *Small Banners.* Banners, pennants, streamers, and balloons smaller than two square feet in area are exempt from the number allowed per business and sign size.
- G) *Window Displays.* Window displays of merchandise and representations thereof.
- H) *Flags.* Flags, emblems and insignia of political or religious organizations
- I) *Fine Art.* Works of fine art which in no way identify or advertise a person, product, service or business.
- J) *Public Notice Signs.* Posting limits of public notice signs are specified by federal, state, or local laws and are exempted to the limit of the law mandating their posting.
- K) *Warning Signs.* Private warning signs such as "No Soliciting," "No Trespassing," "Beware of Dog," or similar signs not exceeding two square feet in area per sign.
- L) *Land Sales Signs.* Non-illuminated signs advertising the sale or development of land, provided that (a) such signs shall not exceed 24 square feet in area, and (b) not more than one sign shall be placed per parcel.
- M) *Real Estate Sales Signs.* Non-illuminated signs pertaining to the sale or lease of the premise on which it is located shall be allowed as temporary signs, provided that (a) such signs shall not exceed six square feet in area, and (b) such signs shall be removed within 24 hours after the transfer of title or the signing of the lease.
- N) *Contractors' Signs.* Non-illuminated signs advertising the development of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premise during the period of construction shall be allowed as temporary signs, provided that (a) signs shall not exceed 24 square feet in area, and (b) all signs shall be removed within seven days after the certificate of occupancy is issued.
- O) *Grand Opening Signs.* "Grand Opening" signs shall be allowed for a maximum of seven days. This allowance may be used only once by a single business or owner.
- P) *Menu Signs.* Menu signs advertising a restaurant menu, drinks, or food offered, or special activities incidental to drink and food service, or real estate offering, limited to two per parcel, 32 square feet in area and six feet in height.

Q) *Historic Designation or Memorial Signs.* Signs or plaques placed on a historic building identifying its historic designation not to exceed six square feet.

**5.15.10 Variances.** A variance to the height restriction may be requested based on the topography of the subject parcel. Variances to the other regulations in this section are not allowed.

(Ord. No. 1239, 6-9-2015)



**SYRACUSE**  
EST. **CITY** 1935



# DESIGN STANDARDS EXAMPLE GUIDE

**Commercial, Professional Office, and Public Facility Developments**



# Design Standards Example Guide

## Purpose

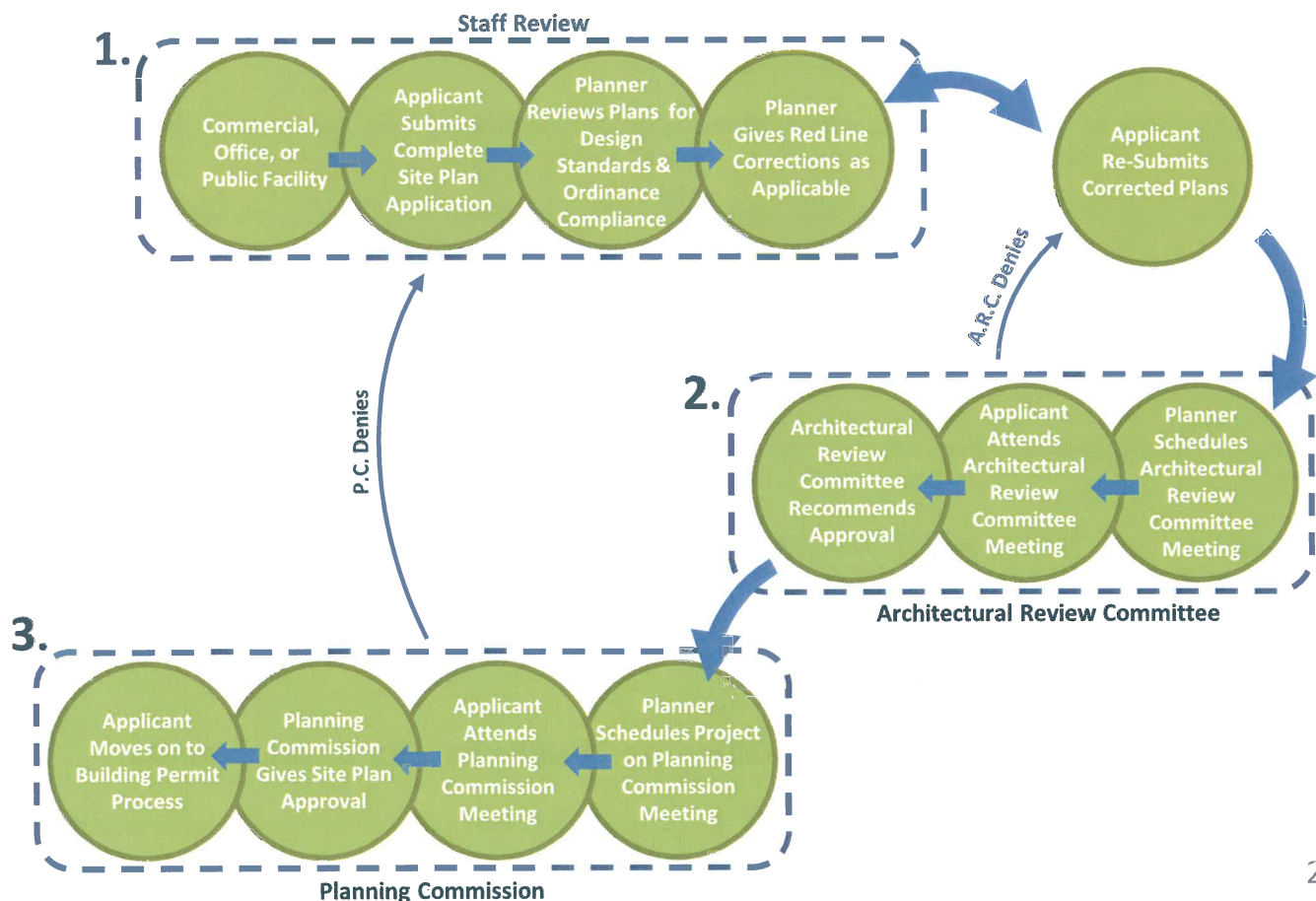
This Guide offers examples to clarify and explain the architectural design standards found in Title 10, Chapter 28 of the Syracuse City Land Use Ordinance. It serves to graphically represent the design standards and are used as a reference tool in order to better illustrate the application of the standards. The purpose of the standards are to improve the quality, compatibility of development, and permanence in design found in Syracuse City. A copy of this manual is available at the Community Development Department located at 1979 W 1900 S Syracuse UT, 84075.

## Applicability

The Design standards referenced in this manual are required in addition to other standards set forth in the Syracuse City Land Use Ordinance. They are applicable with regard to building and site design. The implementation of these standards ensures that the goals and values of the community are reflected in each commercial, professional office, and public facility.

## Process

Please refer to the following flow chart for guidance as to the City's process for site plan approval.



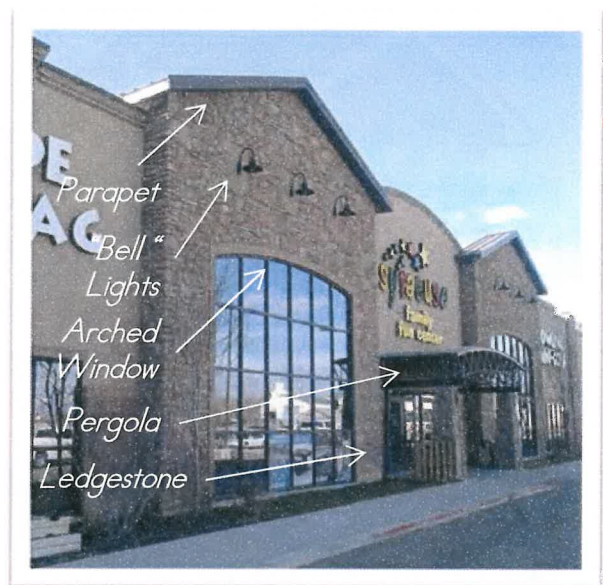
# Design Standards Example Guide

## Building Design

**(A) Context:** New buildings must be designed to include common features and materials that are used on existing Syracuse buildings. These features create a sense of place and character for the City. However, avoid copying too closely and use imaginative design. Please review the following examples of features and materials commonly used.

### List of Contextual Features and Materials:

- Towers – Hipped or Cross Gabled Roofs
- Segmental Style Arched Entries & Windows
- Circular Accent Windows
- Gabled (Pitched) Roof
- Red Brick/Block
- LedgeStone Style Stone
- “Bell” Style Light Fixtures
- Awnings/ Pergolas
- Parapets (False Fronts)
- Metal Channel Roofing



"The Rush" Fun Center - 1806 South 2000 West



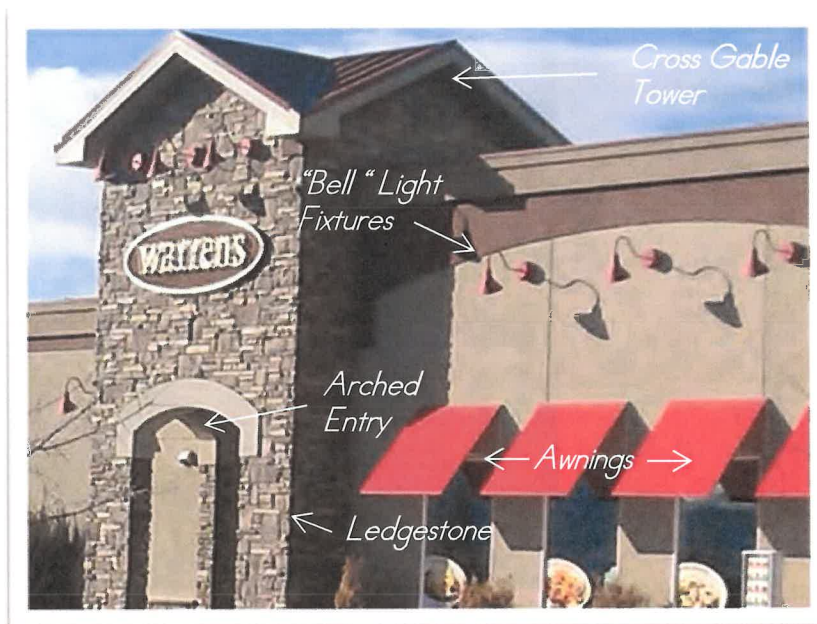
Syracuse Library - 1875 South 2000 West



# Design Standards Example Guide

## Building Design

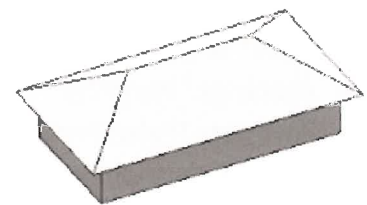
(A) Context: (Continued)



Warrens - 1778 S 1000 W



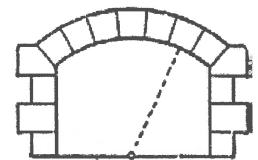
Example of Ledge stone Pattern



Example of Hipped Roof



Carl's Jr. - 2118 W. Antelope Dr.



Example of Segmental Arch



Example of "Bell" Light Fixture

# Design Standards Example Guide

## 10.28.110 Building Design

**(B) Entrances:** All building entrances are required to be clearly articulated to indicate a transition from the exterior to the interior of the building. Every main entrance is required to have a special emphasis when compared to the other portions of the building.





# Design Standards Example Guide

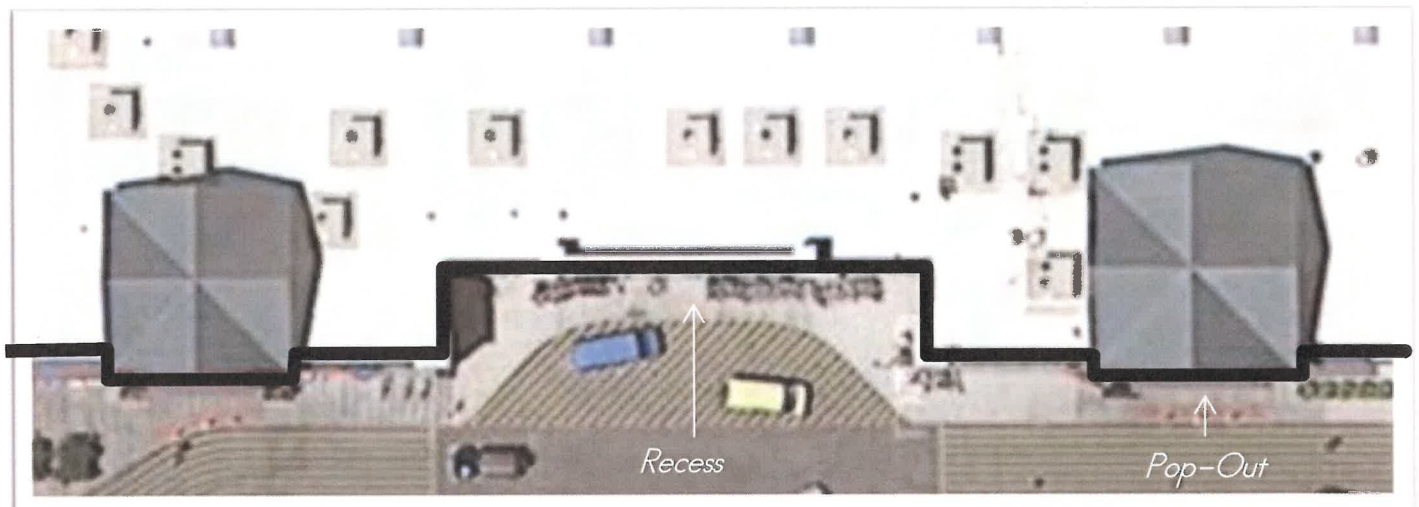
## 10.28.110 Building Design

**(C) Façade Articulation:** Buildings designed with completely flat façades and monotone color schemes are not permitted. All buildings are required to have horizontal and vertical façade variations such as pop-outs, bays, recesses, arches, banding, columns, or similar features. Such features are required at least every 30 feet along all exterior wall planes.

Front Elevation



Plan View



Walmart - 2228 W Antelope Dr.

# Design Standards Example Guide

## 10.28.110 Building Design

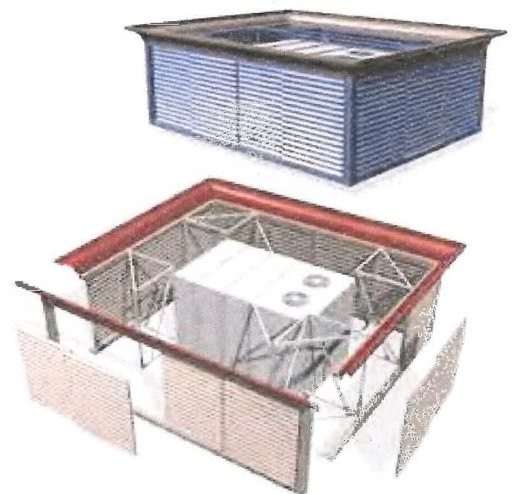
**(D) Height and Roofline:** Varied roofline elevations are required in order to add architectural interest and avoid the appearance or sense of long, monotonous roofline expanses. A variation such as a parapet or tower is required every 50 feet of roofline. Also, mechanical equipment mounted on the roof must be screened and the back of parapets must match the color and materials of the building.



Good Example - 1588 South 2000 West



Avoid Monotonous Rooflines



Proper Mechanical Screening



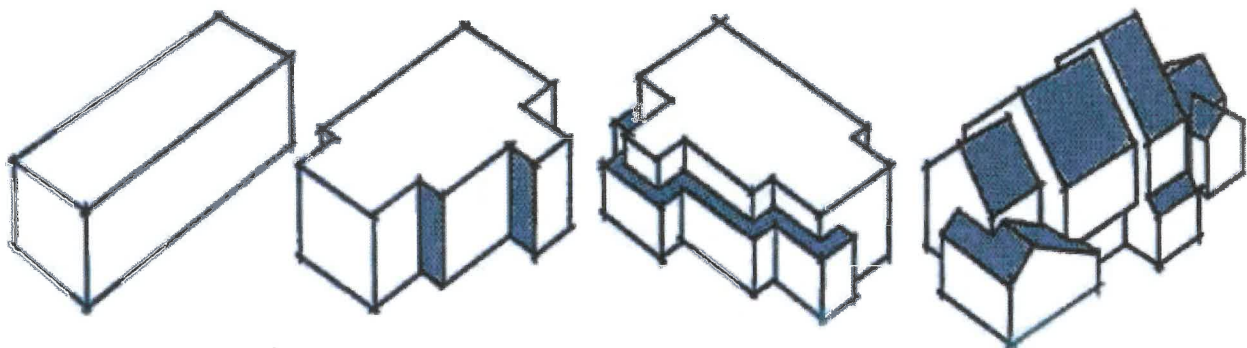
# Design Standards Example Guide

## 10.28.110 Building Design

**(E) Massing:** Proper massing reduces the impact of the massive bulk created by large buildings that may not otherwise relate in scale to surrounding development. Vertical articulation, horizontal articulation, and multi-planed roof or awnings must be used in designs to mitigate the impact on surrounding development and the overall landscape. The examples below are near the same density of units per acre and building height, but the top example's massing reduces the impact and bulk of the building more effectively than the bottom example.



Good Example – 910 W. 1920 S.



Undesirable  
Massing

Vertical  
Articulation

Horizontal  
Articulation

Multi-Planed Roof  
Reduces Bulk

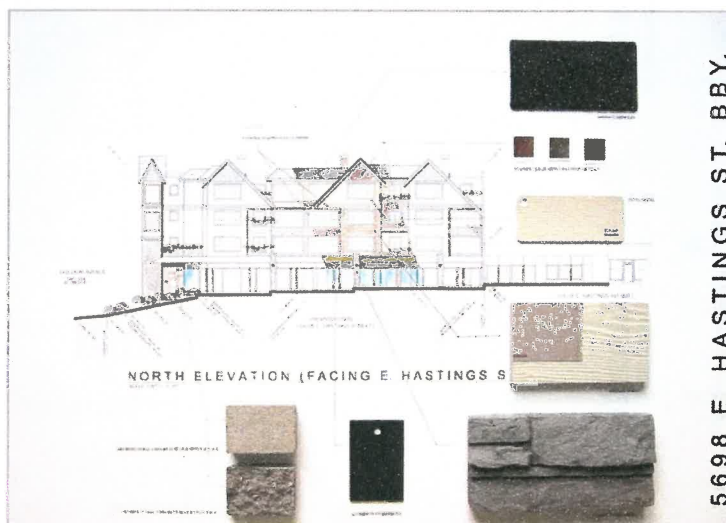
# Design Standards Example Guide

## 10.28.110 Building Design

**(F) Materials:** Quality long-lasting materials are required for all buildings in order to contribute to the value of the community over the long term. A minimum of three colors per elevation required. Colors have to be sensitive to existing development in the vicinity. 65% of the surface materials are required to include brick, stone, metal panels, or cement-fiber siding. Stucco, vinyl, or block may be used as an accent only. A sample board containing physical samples is required.



Syracuse Library - 1875 South 2000 West



Example of Materials Sample Board



Above: unfinished concrete block is not permitted as a surface material.

Left: A sample board containing physical samples is required. Photos alone are not sufficient.

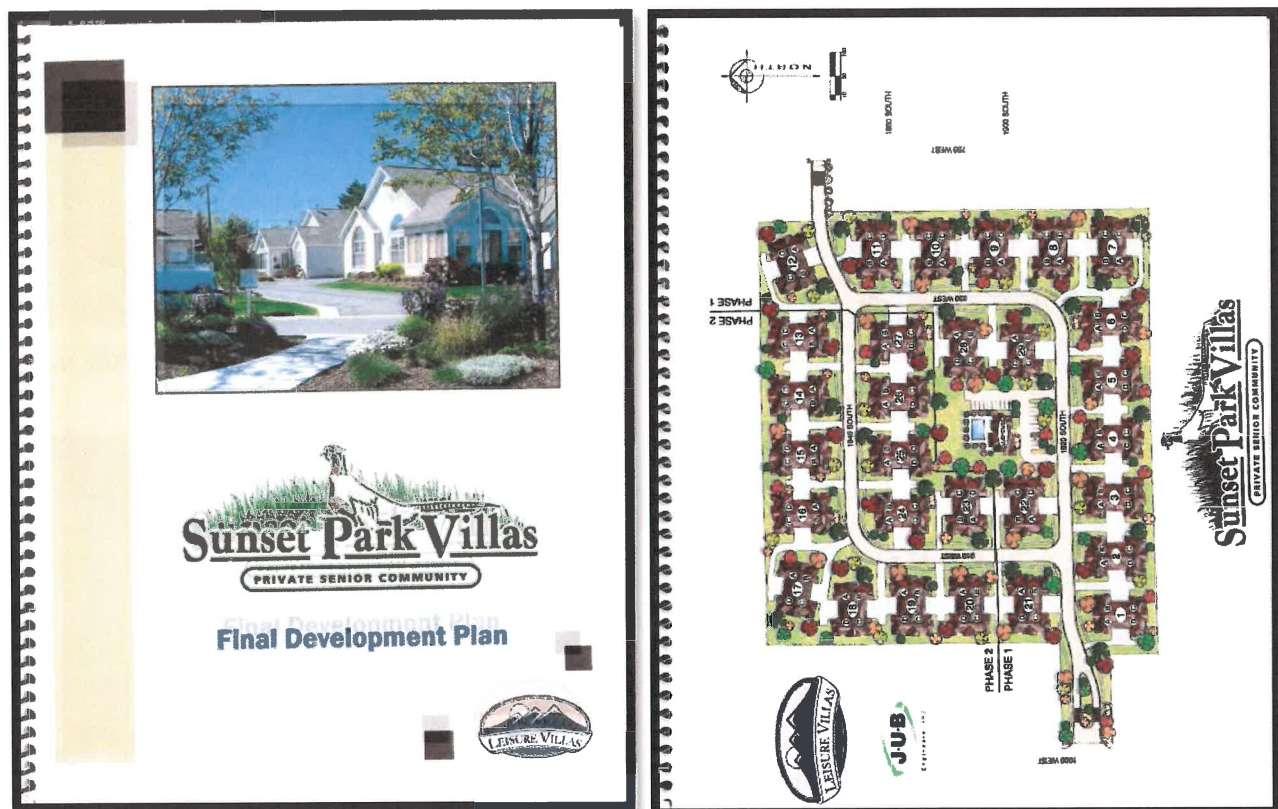


# Design Standards Example Guide

## 10.28.110 Building Design

**(G) Development Design Pattern Book:** The developer is required to provide a development design pattern book for developments including more than one structure. A design pattern book should include:

1. Written descriptions with graphics explaining how the development complements the unique characteristics of the property.
2. Written descriptions with graphic illustrations/photos explaining the theme and physical form of the architectural design.
3. Written descriptions with graphic illustrations/photos describing the proposed open spaces, pedestrian pathways, and other amenities

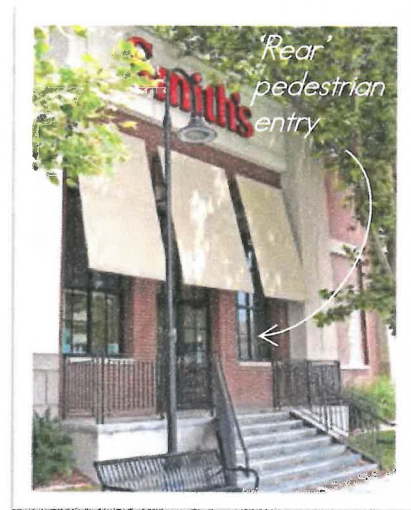


Example Design Pattern Book

# Design Standards Example Guide

## 10.28.110 Building Design

**(H) Pedestrians:** All buildings will be designed with an integral focus on encouraging pedestrian activity and social interaction. Additionally, buildings that contain more than one story or that are above 20 feet in height are required to provide a clearly articulated and more detailed base that relates to pedestrians.



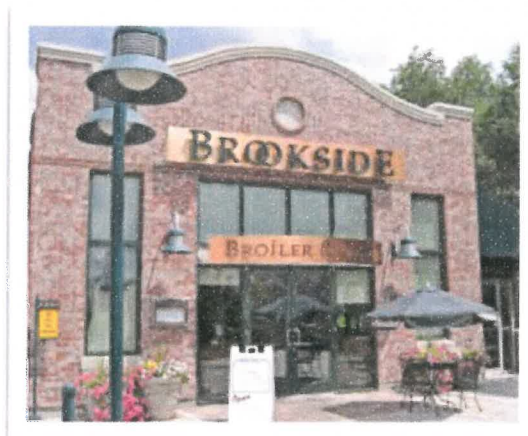
Sugarhouse Utah Smiths

## 10.28.110 Building Design

**(I) Signs:** Signs located on any building façade are required to be compatible with the building's overall design. As an integral design element, signs are required to be compatible with the style of the buildings in terms of location, scale, color, and lettering.

1. The locations for signs on a building's façade will be planned for as part of the building's overall design.

2. Signs located on façades should integrate similar or complimentary materials as the building.



Complimentary Sign Materials



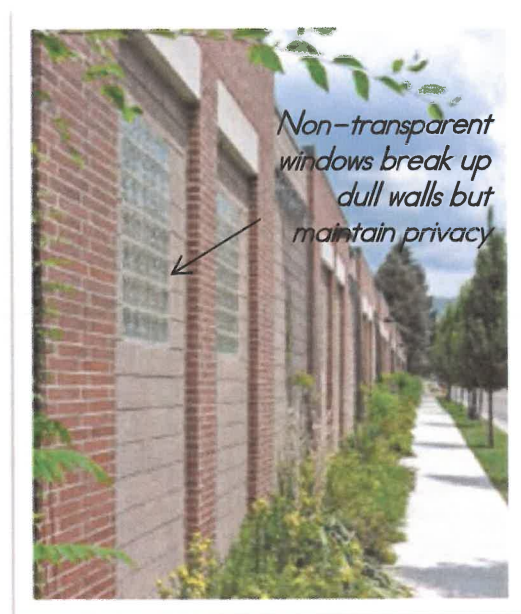
Sign Locations Not Incorporated Into Architecture



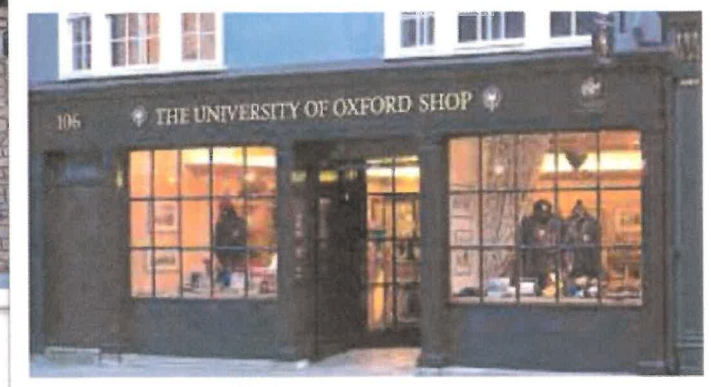
# Design Standards Example Guide

## 10.28.110 Building Design

**(J) Windows:** Windows are key to the overall design of a building and the relationship between the exterior and interior. The majority of windows are required to relate to the scale of a person.



Mirrored glass not as welcoming



Transparent windows draw customers in

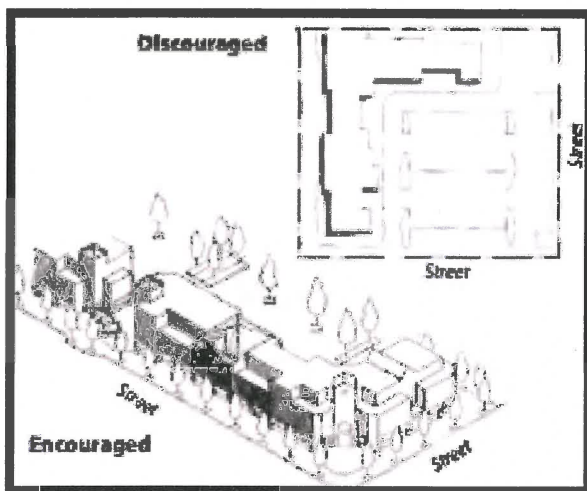
# Design Standards Example Guide

## 10.28.120 Site Design

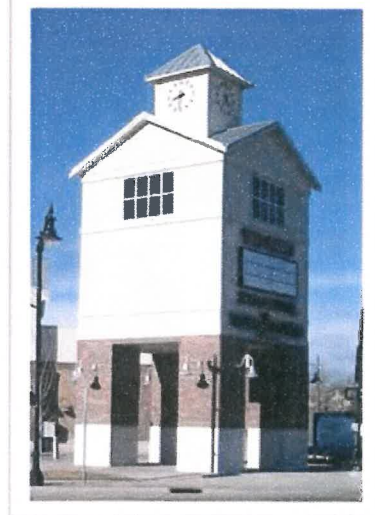
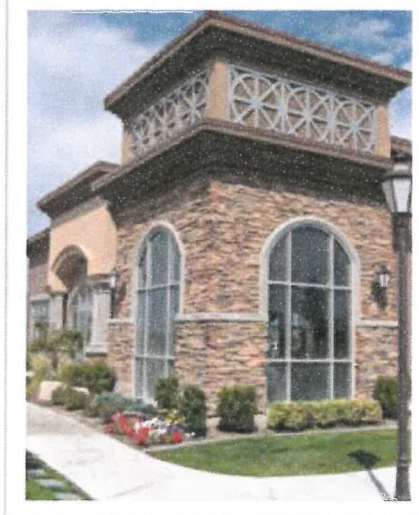
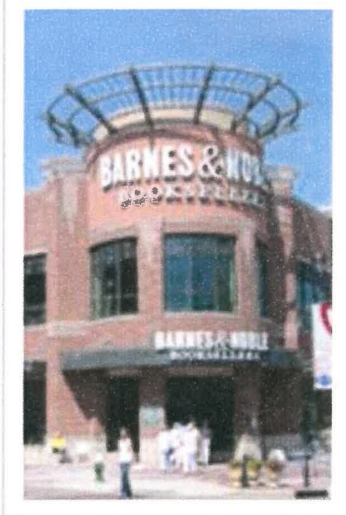
**(A) Building Placement:** Building placement is integral to the site design and the overall effect any development has on surrounding properties. Building placement is required to comply with the following:

1. All buildings must be oriented with the main or similar façade facing a principal street to which it has frontage.

2. Buildings located on corner lots are required to orient main façades to each street and give equal treatment to each.



3. Buildings located on corner lots should include a prominent architectural feature of greater height than the rest of the roof, or emphasis at the corner where the two public streets meet.



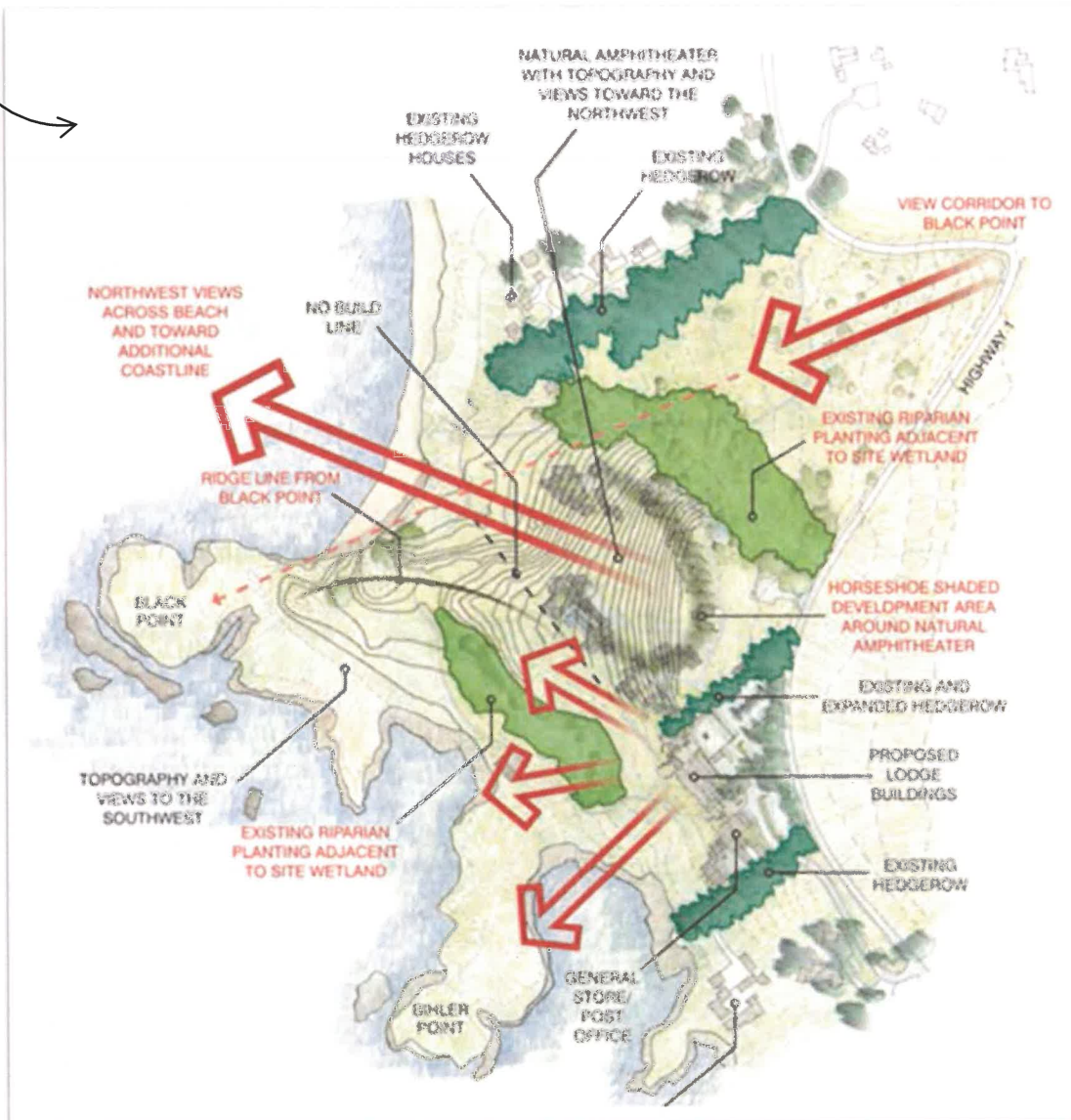


# Design Standards Example Guide

## 10.28.120 Site Design

**(B) Context:** New developments are required to match or compliment surrounding developments and landscapes in order to create a site which relates to its surroundings and adds positively to the overall environment in the site area. Hire a licensed Civil Engineer for site planning and design.

- *Natural features*
- *Wetlands*
- *Historic Structures*

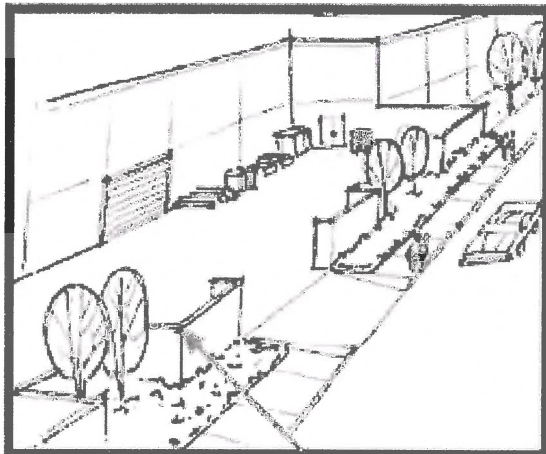


# Design Standards Example Guide

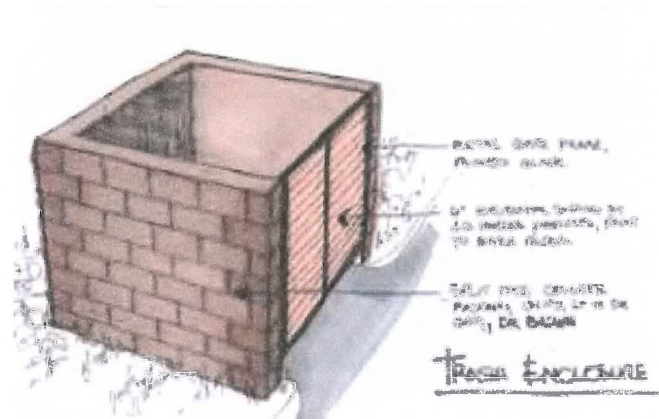
## 10.28.120 Site Design

**(C) Screening:** The small details that sometimes become afterthoughts of site planning and design are important factors for making aesthetically attractive sites.

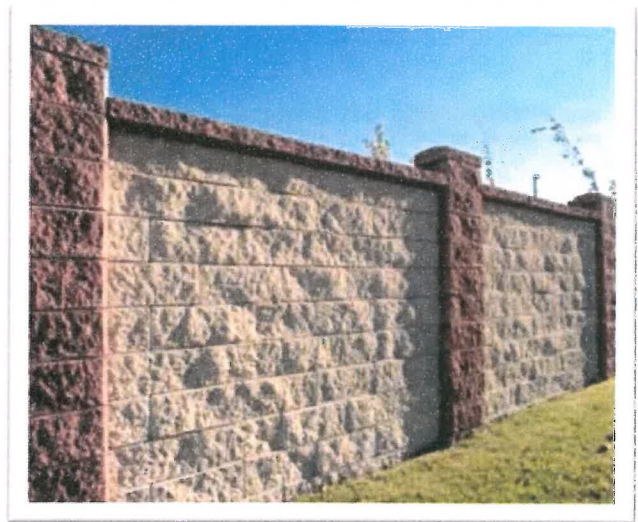
1. Decrease noise levels by screening loading and service areas with walls, landscaping and locating away from houses.
2. Outdoor storage areas, generators, A/C units, and trash enclosures are required to be fully screened using approved masonry fencing and landscaping.
3. Razor fences and uncoated chain link are prohibited when visible from the public right of way.



A screen wall, combined with landscaping, enhances this loading area.



Un-coated Chain Link Prohibited



Split face block wall is effective at screening noise and is attractive



# Design Standards Example Guide

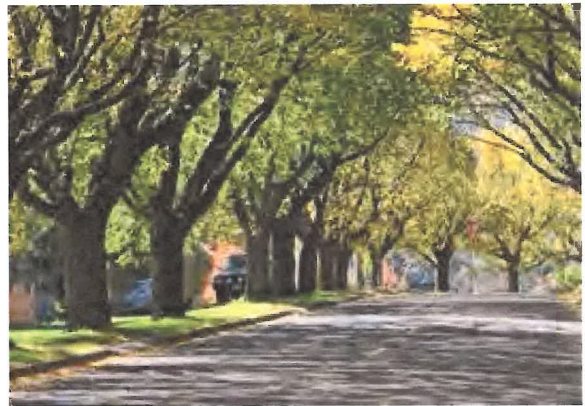
## 10.28.120 Site Design

**(D) Landscaping:** Landscaping is required as a tool to enhance and beautify the site, and the building's architecture and design. Street trees and landscape increase property values.

1. A detailed landscape plan designed by a licensed landscape architect is required.
2. Street trees should be planted every 30 feet along the public right of way.
3. Native plant species should be used with water efficient irrigation systems.
4. Outdoor amenities such as patios, plazas, water features and outdoor seating areas are encouraged.
5. Existing trees and landscape features should be preserved and incorporated into landscape plans.
6. Landscaping around the base of the building is recommended.



Native Plants



Street Trees

licensed professional



Landscaping the base of buildings and near entrances



Outdoor Patios & Seating Areas



# Design Standards Example Guide

## 10.28.120 Site Design

**(E) Lighting:** Carefully planned lighting schemes can create safe environments for pedestrians and motorists. Lighting is an integral design element which adds to the overall site plan and building design.



Down Facing "Bell" Fixtures different but matching



Coordinated light fixtures on signage and building adds character



Fixtures complement building architecture



Pedestrian scale fixtures increases safety



Down facing fixtures minimize light pollution

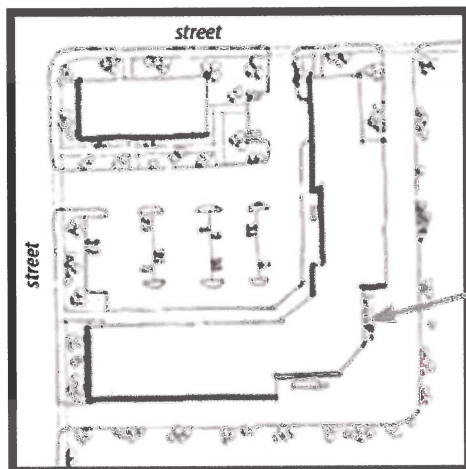


# Design Standards Example Guide

## 10.28.120 Site Design

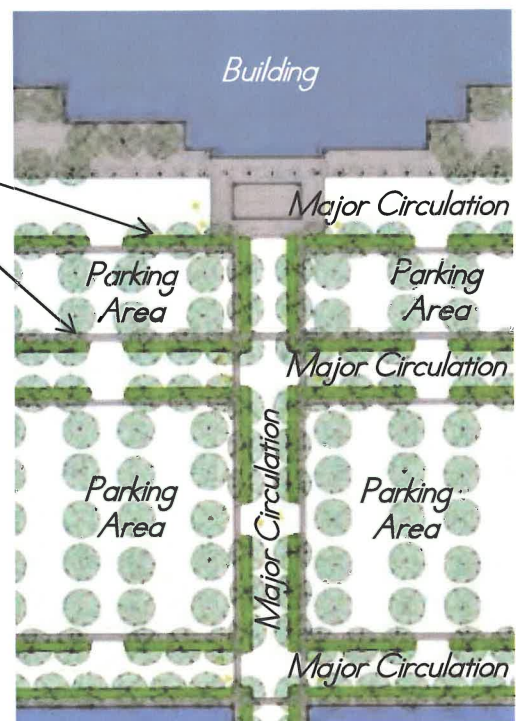
**(F) Traffic:** Developments which generate significant increases in traffic will include an analysis of the proposed development's impact on the current and future transportation system, and methods to control traffic. A licensed Civil Engineer can help ensure functional design.

- Major internal circulation roadways must be separated from parking areas using curb and gutter, landscaping, pedestrian walkways; or lighting

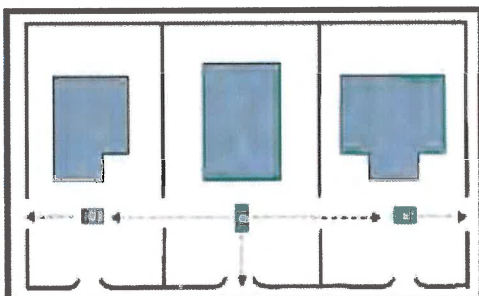


Landscaping  
Sidewalk

Loading and service areas should be located away from street edge and public circulation patterns.



Cross-access for automobiles and pedestrians is required



Automobile Cross-Access



Pedestrian Cross-Access

# Design Standards Example Guide

## 10.28.120 Site Design

**(G) Active Transportation:** Site layout and design must address the needs of pedestrians, bicycles, and other forms of transportation. Access and safety on the site should be ensured for all users.



Bike Rack/Bench



Wheelchair Access



Strollers

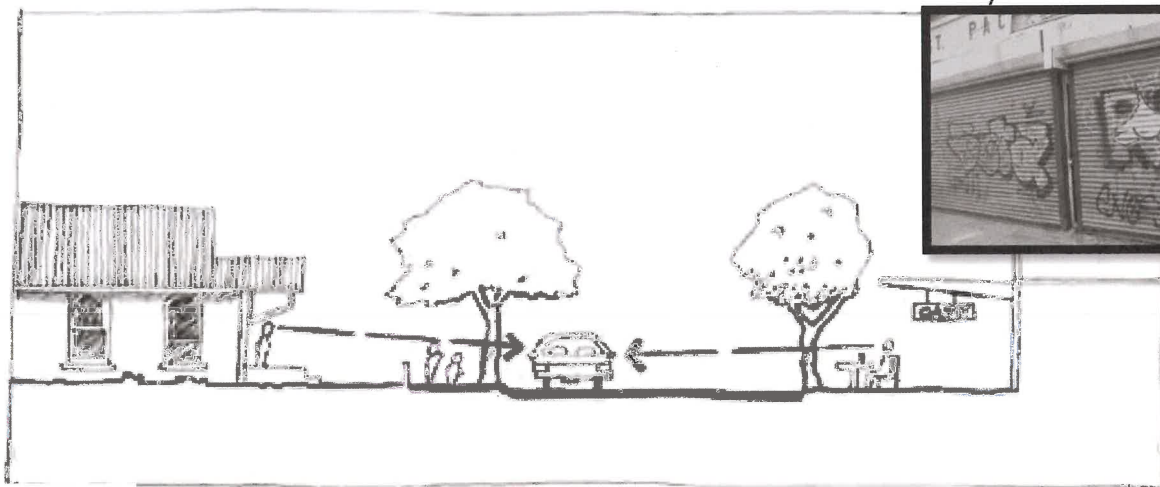


# Design Standards Example Guide

## 10.28.120 Site Design

**(H) Security: Security** of the site is required to be addressed in site design. The developer is required to submit documents that demonstrate the security measures of the site design in relation to private, semi-public and public areas, by utilizing natural surveillance, access control and proper maintenance.

*Natural Surveillance:*

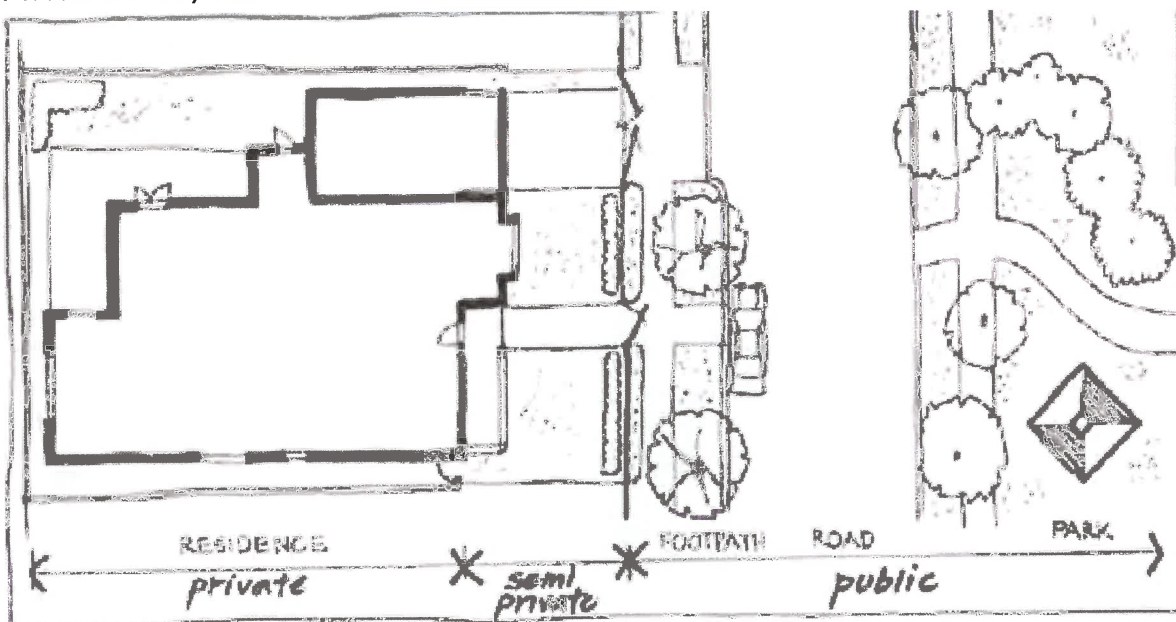


*A number of observers have clear sight lines to the streetscape allowing for natural surveillance*

*Proper Maintenance:*



*Access Control/ Public Private Delineation*



*Clearly marking the distinction between private, semi-private and public space allows for territorial reinforcement*

# Design Standards Example Guide

## Resources

**Architectural Review Committee Design Standards:** Syracuse City Ordinance Title 10 Chapter 28

**Allowed Street Trees:** Syracuse City Ordinance Title 10 Chapter 30 Section 7

**Land Use Ordinances:** Syracuse City Ordinance Title 10 Chapter 6

**Parking Requirements:** Syracuse City Ordinance Title 10 Chapter 8

**Site Planning:** Syracuse City Ordinance Title 10 Chapter 4 Section 90

**Crime Prevention Through Environmental Design (CEPTED):**

<http://www.cadca.org/files/CEPTED%20Handbook%20overview.pdf>

**Native Landscape Plants:**

<http://theutahhouse.org/files/uploads/Utah%20House%20Plant%20List%20v2%204p.pdf>





# Building Design and Architectural Standards

Sections 146-1300 thru 1304; Aurora Municipal Code  
(Includes up to Ordinance 2012-26, Effective 11-1-12)

## City of Aurora

Planning Department  
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This document is available on our web site.

<https://www.auroragov.org/DoingBusiness/ZoningandCodes/BuildingandZoningCode/index.htm>

**ARTICLE 13. BUILDING DESIGN AND ARCHITECTURAL STANDARDS****DIVISION 1. IN GENERAL****Sec. 146-1300. Screening of Rooftop Equipment.**

(A) *Screening Required.* All rooftop mechanical equipment and vents greater than eight inches in diameter must be screened. Screening may be done either with an extended parapet wall or a freestanding screen wall of a material, color, and design matching the building. Screens shall be at least as high as the equipment and vents they hide. If equipment is visible because screens do not meet this minimum height requirement, the director of planning may require construction modifications before the issuance of a certificate of occupancy.

(B) *Waivers.* The planning director may approve a waiver from the screening requirements in order to address the following conditions:

1. There are overriding life safety requirements established by other regulations including the Uniform Building Code;
2. If at final inspection effective screening can be achieved from the predominant public views of the building by means such as placement of the equipment or vents and use of a screening wall lower than the equipment or vent(s) it is screening;
3. The design of equipment provides screening that is equally or more effective than screening achieved by a screening wall.
4. The screen itself would be more visually obtrusive than the equipment or vent it is intended to screen.

(Ord. No. 2001-72, 12-3-2001)

ORDINANCE NO. 2012-26

ORDINANCE AMENDING CHAPTER 146, ARTICLE XIII, DIVISION 2 OF  
THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING  
DESIGN STANDARDS FOR RESIDENTIAL DISTRICTS AND USES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO:

Section 1. That Section 146-1301 of the City Code of the City of Aurora, Colorado,  
is hereby amended to read as follows:

Sec. 146-1301. Purpose and Applicability.

(A) *Purpose.* The general purpose and goals of these residential design standards are  
to provide:

1. Diverse home choices across a wider range of home prices that will promote  
higher incomes and increasing home values within the city;
2. Durable homes that can be more easily maintained by the homeowner;
3. Energy efficient homes that incorporate water conservation and indoor air quality  
features; and
4. Architecturally well-designed homes that will add to the quality of the city as a  
whole.

(B) *Applicability.* Each residential design plan submitted for approval after  
November 1, 2012, shall meet the requirements of this division, except as follows:

1. For any subdivision approved prior to November 1, 2012, where:
  - a. The average percentage of masonry on the net façade area of all residential  
dwelling units permitted by the subdivision plat is no less than 30 percent;  
and
  - b. At least 50 percent of the total residential dwelling units permitted by the  
subdivision plat have been built as of November 1, 2012; and
  - c. The average net façade area of each residential dwelling unit built within  
the subdivision consists of no less than 30 percent masonry,

each new residential design plan shall provide that the net façade area of the  
residential dwelling unit shall be no less than 30 percent masonry. Upon  
application, the planning director may allow, on a case-by-case basis, the  
percentage of masonry coverage to vary among any residential design plans or the



elevations of any residential design plans submitted to the planning department for approval, provided that the minimum average coverage is met in each such submission for the remaining dwelling units within the subdivision.

2. For any subdivision approved prior to November 1, 2012, where:
  - a. No masonry is included on the net façade area of any residential dwelling unit permitted by the subdivision plat and/or built within the subdivision; and
  - b. At least 50 percent of the total residential dwelling units permitted by the subdivision plat have been built as of November 1, 2012,

no masonry shall be required in any new residential design plan.

3. The requirements of this division shall not apply to:
  - a. Any alterations, additions, or repairs to an existing structure; or
  - b. The rebuilding of any structure not built in conformance with this division that has been damaged or destroyed by fire or natural disaster, provided that the rebuilt structure contains at least the same amount of masonry as the original.

(C) *Evaluation.* Each application submitted for approval under this division shall be evaluated on its own merits.

(D) *Waiver.* Upon application, the requirements of this division with respect to new residential design plans in existing subdivisions may be waived upon a showing that the application of such requirements will result in residential development that is incompatible with the surrounding neighborhood. An application for waiver may be processed administratively by the planning director for subdivisions that:

1. Consist of three or fewer lots; or
2. Are located within the E-470 corridor or Northeast Plains Zone District.

For all other subdivisions, an application for waiver shall be presented to the planning and zoning commission for a public hearing.

Section 2. That Section 146-1302 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 146-1302. Design Standards for Single-Family Detached, Two-Family, and Single-Family Attached Duplex Homes.

- (A) *Purpose.* The city council finds and determines that single-family detached, two-

family, and single-family attached duplex residential development is a primary component of land use, and that the appearance of such dwellings from the street is intrinsically related to the preservation of neighborhood character and quality of life. The city council further finds that the adoption of design standards for single-family detached, two-family, and single-family attached duplex homes will promote the public health, safety, and welfare. The city council finds that the standards adopted herein are reasonably related to the legitimate governmental purpose of achieving an attractive, efficiently functioning, and prosperous community. The standards shall apply to single-family detached, two-family, and single-family attached duplex development in all residential zone districts.

(B) *Compliance Required for Building Permit.* Compliance with this division, as determined by the planning director, shall be required as a condition precedent to the issuance of a building permit for single-family detached, two-family, and single-family attached duplex residential dwellings. A decision by the planning director may be appealed by the applicant to the city manager. The city manager shall provide the applicant an opportunity to present evidence of compliance. The decision of the city manager shall be final. The planning director is further authorized to adopt administrative regulations establishing the submittal requirements necessary to determine whether a single-family detached, two-family, or single-family attached duplex residential dwelling complies with all applicable requirements of this division.

(C) Garages.

1. *Garage required.* Every single-family detached, two-family, and single-family attached duplex dwelling for which a building permit is issued after November 1, 2012, shall include a garage structure large enough to fully enclose at least one off-street parking space per dwelling on the same lot as the residential structure. Such a structure may be attached or detached from the main dwelling, and shall meet the following standards:
  - a. It shall be of a similar design, quality, and style as the main residential structure, utilizing the same siding and roofing materials or mixture of materials as found on those portions of the main residential structure facing the street.
  - b. It shall include at least four square feet of window area, including any window areas located within overhead or swinging doors. Such window areas shall admit light, but may be either transparent or translucent.
2. *Garage variations required.* In single-family detached residential subdivisions or planning areas containing four lots or more platted after November 1, 2012, the following standards must be met:
  - a. At least 50 percent of the total number of lots in the subdivision or area shall have recessed garage configurations, alternate-load garage configurations, or any combination of either.
  - b. For the purposes of this division, a recessed garage configuration shall be

defined as a home design having all its street-facing garage doors recessed at least five feet behind the home's front building line as shown in Figure 13.1. A front building line shall be a home's most forward non-garage wall plane at least 10 feet wide. It may include the front line of a front porch, provided the porch has a roof and is at least five feet deep.

- c. For the purposes of this section, an alternate-load garage configuration shall be defined as a home design having garage doors facing in a direction other than the street on which the home fronts, as shown in Figure 13.2. Where used as an alternate-load design, a side-load garage shall have at least one a garage door oriented perpendicular to the front elevation of the house with the enclosed portion of the garage on the front elevation comprising a maximum of 60 percent of the total front elevation width.
  - d. House lots with alternate-load garages shall be permitted a reduced minimum front building setback of 15 feet for all portions of the building, including the garage, except that every dwelling shall maintain a minimum of 20 feet from the garage door to the back of the sidewalk, or to the back of the curb if no sidewalk is present. Alley-load garages shall be set back either three feet or a minimum of 20 feet from the alley right-of-way. Lots with alternative load garages shall be exempted from the driveway area restrictions in section 146-1512(B)(2) of this Code.
3. *Garage doors as a percentage of front façades.* Where a garage door or doors accommodating one or two cars in non-tandem configuration appear on the front of a residential structure, the door or doors shall not occupy more than 47 percent of the total width of the front elevation. Garages built to accommodate three or more vehicles in non-tandem configuration, the garage doors shall not occupy more than 55 percent of the total width of the front elevation. All three-car garages shall have a minimum two foot offset between the single and double garage doors, or between two single doors if three single doors are provided.
4. *Garage conversions.* No garage shall be converted to living space unless:
- a. Replacement garage space complying with subsection (C)(1) of this section is provided, or
  - b. Adequate off-street parking located outside of the required front yard is provided.

(D) *Adjacent Setbacks.* In single-family detached residential subdivisions of four lots or more, platted after November 1, 2012, no two single-family detached dwellings adjacent to one another shall have the same front yard setback. On adjacent lots, the front yard setback, measured from the longest foundation wall in the front plane of the home to the front property line, of each home shall vary by a minimum of two feet. An exception to this requirement shall be granted where an infill dwelling cannot comply because of lot depth or rear setback

requirement. In such cases, the minimum setback for the infill dwelling shall be an average of the setbacks of the two adjacent, existing dwellings.

(E) *Repetitive Design.* The following requirements shall apply to each residential subdivision platted after November 1, 2012:

1. In a subdivision plat of 50 or more lots, at least four different homes shall be constructed, each with a distinct floor plan and elevations.
2. In a subdivision plat of 30 to 49 lots, at least three different homes shall be constructed, each with a distinct floor plan and elevations.
3. In a subdivision plat of 10 to 29 lots, at least two different homes shall be constructed, each with a distinct floor plan and elevations.
4. In a subdivision plat of less than 10 lots, distinct elevations shall be provided as defined in subsection (E)(9) of this section.
5. No model elevation shall be repeated more than once every four lots.
6. No identical model home elevation shall be repeated directly across the street.
7. Approved paint schemes shall not be repeated more than once every four lots or directly across the street.
8. At least 30 percent of the model/elevation combinations must have variation in the roof line. Exceptions to accommodate rooftop solar applications will be permitted on a plan-by-plan basis.
9. In order to be considered a distinct elevation, each elevation shall incorporate at least four of the following items:
  - a. Placement of windows and doors on the front façade of the elevation include at least a two-foot vertical or horizontal variation in size or location.
  - b. The use of different materials on the front façade elevation.
  - c. The width of the front façade elevation must differ more than two feet.
  - d. The locations and proportions of front porches must vary substantially.
  - e. Variations in the front plane.
  - f. Use of roof dormers.
  - g. A variation of the building types; ranch and two-story.

h. Window shapes that are substantially different.

(F) *Durability.* All of the net façade area shall have durable siding materials. Manufactured siding shall have at least a 25-year written manufacturer's limited warranty. Durable siding materials include:

1. Cement fiber.
2. Engineered wood / composite.
3. Masonry.
4. Rust resistant architectural metals.
5. Stucco.
6. Vinyl.
7. Any other material approved by the city.
8. A combination of the above.

Sheathing or bracing may not be used as an exterior wall covering except with the prior written approval of the planning director.

(G) *Distribution of masonry and architectural features.*

1. For purposes of compliance with this division, an average of not less than 15 percent of the net façade area of all residential design plans within a subdivision plat shall consist of masonry. The percentage of masonry coverage may vary among any residential design plans or the elevations of any residential design plans submitted to the Planning Department for approval, provided that the minimum average coverage is met in each such submission within the subdivision.
2. All residential design plans with side or rear elevations adjacent to streets, parks, golf courses, or open space shall distribute architectural features and materials so as to achieve side-specific design for each side that faces such street, park, golf course or open space. In addition, except for any residential design plan with a side elevation adjacent to a street, there shall be a four-foot change in the depth of the front elevation, achieved through a recessed or alternately loaded garage, covered porch, or other architectural feature.

(H) *Windows.* There shall be no windowless elevations.

(I) *Architectural, conservation, and indoor air quality features.* This section is

implemented with a weighted point system. Residential design plans subject to the requirements of this division shall be compared against the architectural, conservation, and/or indoor air quality features listed below and shall be assigned points thereunder. All residential design plans shall:

1. Meet a minimum score of 17 points from Table 13.1. Architectural Features; and
2. Meet a minimum score of 8 points from Table 13.2. Conservation and Indoor Air Quality Features.

(J) *Credit for conservation and indoor air quality features.* Conservation and indoor air quality feature points may be credited to architectural feature point totals using the following chart:

Total Number of Conservation and/or Indoor Air Quality Feature Points Earned	Points that may be Transferred to Architectural Feature Point Total
8-10	0
11	+1
12	+2
13	+3
14	+4
15	+5
16+	+5

Table 13.1. Architectural Features.

	Windows	3	2	1	Total
1.	Window mullion patterns on 75% of windows			x	
2.	One full height, two-story bay window (for a one-story residential design plan, one full height bay window)	x			
3.	One bay window		x		
4.	One or more roof window dormers		x		
5.	Two or more clerestory windows or windows with transoms above the main window		x		
6.	Front door with one or more sidelights, transom window or double door			x	
7.	Ribbon windows with two or more horizontal rows of			x	

	windows containing at least three windows each.				
8.	Decorative shutters on at least two street facing windows			x	
9.	At least two special, decorative window heads or window sills on street facing elevations			x	
10.	Four or more square feet of windows in the garage that are not on the door			x	
11.	Garage door(s) with windows			x	

	Roofs	3	2	1	Total
12.	Dimensional roof shingles with a 30-year warranty (previously no specified warranty length)			x	
13.	Clay, or concrete tile, cement, or standing seam metal roof	x			
14.	Decorative roofing elements (e.g., copper above a bay window)		x		
15.	16-inch roof overhang on all sides	x			

	Architectural Details/Styles	3	2	1	Total
16.	Plan/elevation with 20-29% masonry		x		
17.	Plan/elevation with 30% or greater masonry	x			
18.	Porte-cochere over driveway	x			
19.	Functioning or simulated chimney		x		
20.	Change in siding style between home and roof gable ends		x		
21.	Decorative material on at least one gable end facing a street (e.g., decorative vents, lentils, etc.)			x	
22.	Garage not visible on front elevation	x			
23.	Provide wide fascia at least four inches (nominal) –			x	

	materials around doors, windows and porches				
24.	Ranch plan offered		x		

	Porches, Stoops and Enhancements	3	2	1	Total
25.	Covered porch of at least 50 square feet on the front elevation	x			
26.	Porch of at least 50 square feet on the front elevation		x		
27.	Wraparound porch, at least six feet deep	x			
28.	Second story porch (at least 25 square feet)	x			
29.	Walk out back covered patio of at least 50 square feet.		x		
30.	Eight-inch wide columns, as measured at the base of the column, on front or side porch			x	
31.	Porch or balcony railings		x		
32.	Public view – landscape enhancements in yards that face streets, parks, golf courses, or open space	x			

Architectural Features Point Total \_\_\_\_\_

Table 13.2. Conservation Features.

	Conservation and Indoor Air Quality Features	3	2	1	Total
1.	Photovoltaic solar panel installed	x			
2.	Solar thermal solar panel installed	x			
3.*	Home energy rating system (HERS) index greater than 90 and less than or equal to 95*			x	
4.*	HERS index greater than 85 and less than or equal to 90*		x		
5.*	HERS index greater than 75 and less than or equal to 85*	x			



6.*	HERS index less than or equal to 75*	5 pts			
7.*	Energy Star certified home**	5 pts			
8.	National Green Building Standard/ANSI Standard ICC 700 or LEED for homes, Bronze Level or equivalent minimum	x			
9.*	Stated furnace efficiency greater than .78 to .95 AFUE*		x		
10.*	Stated furnace efficiency greater than .95 AFUE *	x			
11.*	Stated water heater efficiency between .675 to .82 *		x		
12.*	Stated water heater efficiency of .82 or more *	x			
13.*	Air conditioner with stated efficiency greater than or equal to 14 SEER is included as standard*		x		
14.*	Air conditioner with stated efficiency greater than or equal to 16 SEER is included as standard *	x			
15.*	Certified EPA Water Sense home			x	
16.*	All showerheads and hand held showers are 2.0 GPM or less*			x	
17.*	All showerheads and hand held showers are Water Sense labeled*		x		
18.*	All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI*			x	
19.*	All lavatory faucets are Water Sense labeled*		x		
20.*	All toilets are 1.28 GPF or less*			x	
21.*	All toilets are Water Sense labeled*		x		
22.*	All toilets have dual actuated flushing*		x		
23.*	All toilets have dual actuated flushing and are Water Sense labeled*	x			
24.	Dishwasher is Energy Star labeled			x	
25.	Landscape weather-based irrigation controllers are		x		

	Water Sense labeled. Audit required identifying appropriate efficiencies.				
26.	Design of front landscaped area utilizes Water Sense budget tool		x		
27.	On-demand hot water systems in accordance with Water Sense program, including, but not limited to: <ul style="list-style-type: none"> <li>• Tankless water heater at water-use location</li> <li>• Manifold system with less than ½ gallon bleed-off</li> <li>• Circulating pump on occupant switch</li> </ul>	x			
28.	Use of pressure compensating sprinklers with check valves		x		
29.	Irrigation system designed by certified irrigation contractor		x		
30*	Active radon control system*	x			
31*	Passive radon control system*		x		
32*	Heat recovery ventilation/energy recovery ventilation system*	x			

\* The following items are mutually exclusive: (i) 3, 4, 5, 6 and 7; (ii) 9 and 10; 11 and 12; (iii) 13 and 14; (iv) 16 and 17; (v) 18 and 19; (vi) 20, 21, 22, and 23; (vii) 30, 31, and 32.

Conservation Features Point Total \_\_\_\_\_

Table 13.3. Point Calculation.

Architectural Features	Conservation Features
Minimum Point Requirement = 17	Minimum Point Requirement = 8
Total Architectural Points _____	Total Points Achieved _____
Conservation Credits _____	
Total Points Achieved _____	

Section 3. That Section 146-1303 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 146-1303. Single-Family Attached Townhomes and Multiple-Family Residential.

Masonry standards for single-family attached townhomes and multiple-family (other than two family) residential development in the city are set forth in Table 13.4.

Table 13.4. Masonry Standards.

	(a) Type of structure	(b) Minimum percentage of masonry on net façade area (see Note 1)
1.	Single-family attached townhomes	Either <ul style="list-style-type: none"><li>• 50 percent shall be clad in brick or stone; or</li><li>• 75 percent shall be clad in stucco; or</li><li>• 75 percent shall be clad in a combination of stucco and brick, or stucco and stone.</li></ul>
2.	Small, medium, and large multiple family residential	Either: <ul style="list-style-type: none"><li>• 60 percent shall be clad in brick or stone; or</li><li>• 80 percent shall be clad in stucco; or</li><li>• 80 percent shall be clad in a combination of stucco and brick, or stucco and stone.</li></ul>

Note 1. The required minimum percentage of masonry applies to the total net façade area, rather than to each elevation separately.

Section 4. That the definitions of “brick,” “cement stucco,” and “net façade area” in Section 146-2001 of the City Code of the City of Aurora, Colorado, are hereby amended to read as follows:

Sec. 146-2001. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brick* means an architectural product laid up in small, individual units with concrete mortar joints and with a veneer depth of at least three inches that complies with one or more of the following standards:

1. ASTM C55 - standard specification for concrete building brick;
2. ASTM C216 – standard specification for facing brick (solid masonry units made from clay or shale);
3. ASTM C652 – standard specification for hollow brick (hollow masonry units made from clay or shale);
4. An ICC-ES approved evaluation service report; or
5. Any applicable building code standard adopted by chapter 22 of the City Code.

*Stucco* means a cement-based exterior coating system that complies with one or more of the following standards:

1. ASTM C1328 – standard specification for plastic (stucco) cement;
2. An ICC-ES approved evaluation service report; or
3. Any applicable building code standard adopted by chapter 22 of the City Code.

“Stucco” shall not include any exterior insulation and finish system (EIFS) or synthetic stucco.

*Net façade area* means the total area of all exterior walls for all stories above grade plane on any residential design plan elevations, minus the area of any windows, doors (including garage doors), roof gable ends, and roof dormers with a net wall area of less than 100 square feet. For purposes of this definition, “walls” shall mean the vertical surfaces or surfaces within 15 degrees of vertical on a building’s exterior, including columns. For purpose of compliance with this section, the percentage of net façade area coverage may vary on each elevation so long as the total net façade area coverage of all elevations of the structure meets the required minimum coverage percentage.

Section 5. That Section 146-2001 of the City Code of the City of Aurora, Colorado, is hereby amended by adding definitions of the following words and phrases:

Sec. 146-2001. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Concrete roof tile* means any concrete tile intended for use as roof covering that complies with one or more of the following standards:

1. ASTM C1492 – standard specification for concrete roof tile;

2. An ICC-ES approved evaluation service report; or
3. Any applicable building code standard adopted by chapter 22 of the City Code.

*Grade plane* means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

*Grade plane, story above* means any story of a building, the finished floor surface of which is located entirely above grade plane.

*Masonry* means brick, stone, or stucco, or any combination thereof. For purposes of the city's residential design standards set forth in article XIII, division 2 of this chapter, "masonry" shall not include cementitious panels, pre-cast concrete panels, or concrete masonry units.

*Sheathing or bracing* means any material permitted as wall sheathing or bracing that complies with any applicable building code standard adopted by chapter 22 of the City Code.

*Siding* means the outer covering or cladding of a house meant to shed water and protect the house from the effects of weather. Siding, in a lap orientation, typically has a vertical dimension of 2 feet or less and a horizontal dimension of 16 feet. Siding can be installed in a shingle (shake) orientation or in a vertical (board and batten) orientation. Siding can be made of wood, fiber cement, or a composite material.

*Siding, vinyl* means siding made of a rigid polyvinyl chloride compound with a minimum thickness of .045 inches that complies with one or more of the following standards:

1. ASTM D3679 – standard specification for rigid poly(vinyl chloride) (PVC) siding;
2. An ICC-ES approved evaluation service report; or
3. Any applicable building code standard adopted by chapter 22 of the City Code.

*Stone* means natural stone or a cement-based product made to match the appearance of natural stone, and laid up in small, individual units with a veneer depth of at least two inches; provided that any cement-based product shall comply with one or more of the following standards:

1. An ICC-ES approved evaluation service report; or
2. Any applicable building code standard adopted by chapter 22 of the City Code.

Section 6. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 7. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of

this ordinance are available at the office of the City Clerk.

Section 8. This ordinance shall take effect on November 1, 2012.

INTRODUCED, READ AND ORDERED PUBLISHED this 13th day of August, 2012.

PASSED AND ORDERED PUBLISHED BY REFERENCE this 10th day of September, 2012.

ATTEST:

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STEPHEN D. HOGAN, Mayor

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JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

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MICHAEL HYMAN, Deputy City Attorney

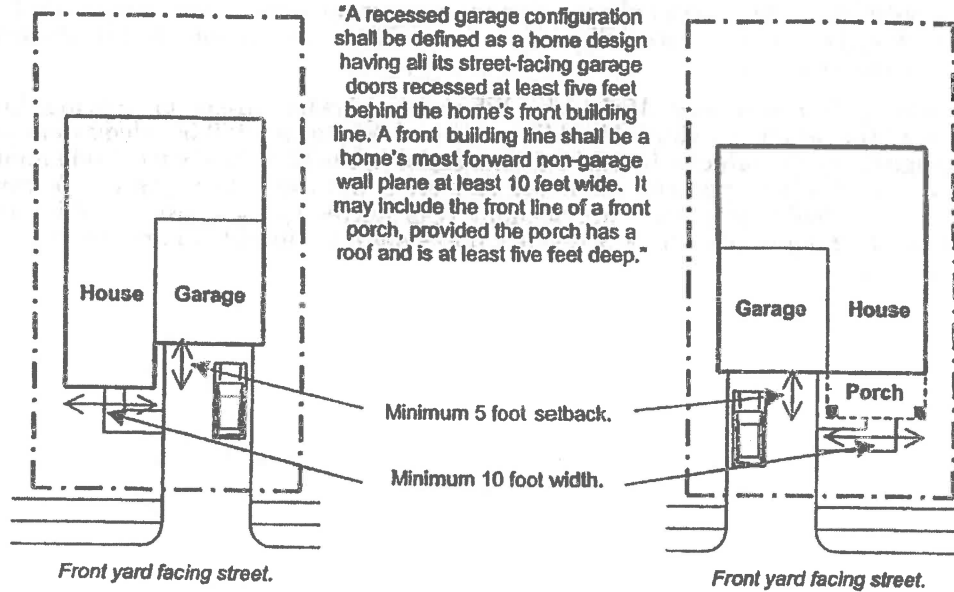
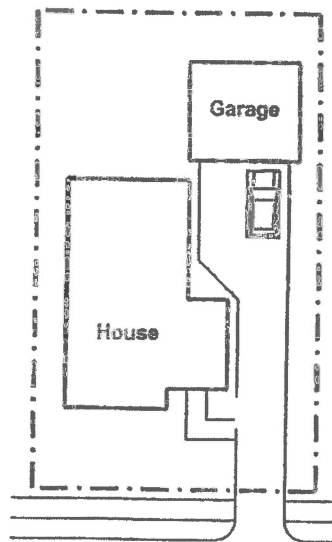
## DIVISION 3. NON-RESIDENTIAL DISTRICTS AND USES

**Sec. 146-1304. Industrial Building Materials.**

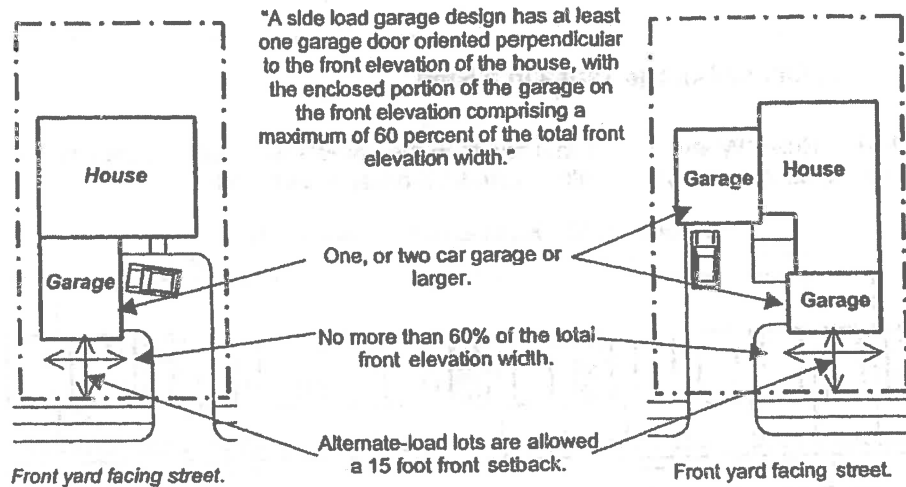
(A) *Generally.* The director of planning shall review all industrial site plans for architectural compatibility with surrounding planned or existing uses. Such review shall include exterior materials and site relationships, and compatibility within the overall site design and with the surrounding area.

(B) *Building Surfaces and Materials.* Wherever parking areas or driving lanes are contiguous to the building, external building materials surfaces shall be adequately protected from damage by motor vehicles by curbed landscaped areas at least six feet wide abutting all exposed walls, or other approved methods. This shall not apply to areas where warehouse doors or external building surfaces are adequately protected by the chosen building material. External building materials adjacent to truck docks shall be durable to prevent damage from loading activities.



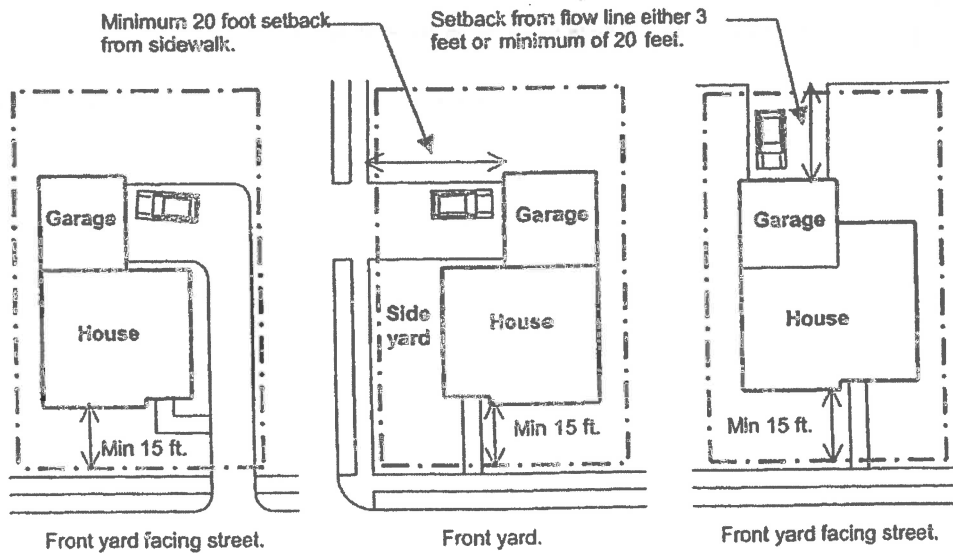
**Figure 13.1: Recessed Garage Configurations****Figure 13.1c: Rear Yard Front Load**Figure 13.1: Recessed Garage Configurations

**Figure 13.2: Alternate-Load Garage Configurations**



**Figure 13.2a: Traditional Side Load**

**Figure 13.2b: Split Side Load**



**Figure 13.2c: Rear Yard Side Load**

**Figure 13.2d: Corner Side Load**

**Figure 13.2e: Alley Load**

**Figure 13.2: Alternate-Load Garages Configurations**

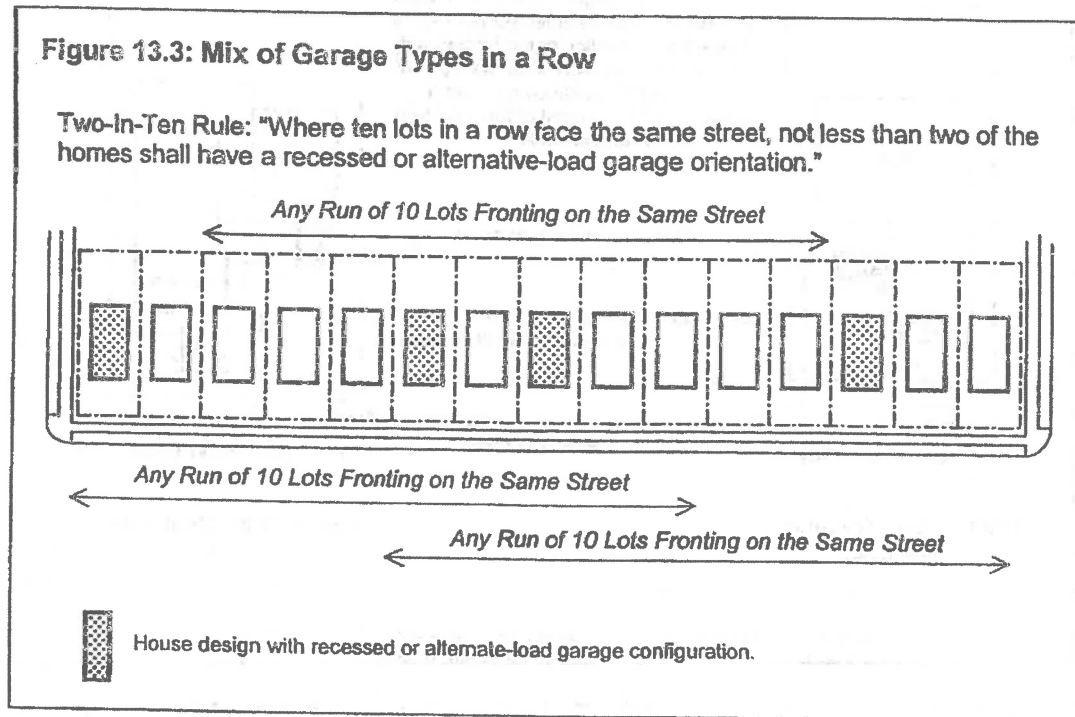


Figure 13.3: Mix of Garage Types in a Row

